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Permanent Forum on Indigenous Issues
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Item 5 of the provisional agenda*
Comprehensive dialogue with United Nations agencies and funds

Information received from entities of the United Nations system and other intergovernmental organizations

Note by the secretariat

Summary

The present note provides a summary of five reports on the progress and implementation of the recommendations of the Permanent Forum on Indigenous Issues, submitted by the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the secretariat of the Convention on Biological Diversity and the United Nations Population Fund. The full reports are available on the Permanent Forum website (http://www.un.org/esa/socdev/unpfii).

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I. Introduction

1. In November 2011, the secretariat of the Permanent Forum on Indigenous Issues sent a questionnaire to United Nations agencies and other intergovernmental organizations seeking information on:

(a) Activities relating to the theme of the eleventh session of the Permanent Forum: "The Doctrine of Discovery: its enduring impact on indigenous peoples and the right to redress for past conquests (articles 28 and 37 of the United Nations Declaration on the Rights of Indigenous Peoples)";

(b) Progress and obstacles in implementing the Permanent Forum's recommendations;

(c) Brief accounts of the progress made since 2009 towards the goals and objectives of the Second International Decade of the World's Indigenous People;

(d) Specific information on how the recipients had responded to the Permanent Forum's recommendation to adopt policies on indigenous issues.

Responses were received from the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the secretariat of the Convention on Biological Diversity and the United Nations Population Fund (UNFPA). The full reports are available on the Permanent Forum website (http://www.un.org/esa/socdev/unpfii). Summaries of the responses are set out below.

II. Office of the United Nations High Commissioner for Human Rights

2. OHCHR has continued its activities to inform key actors about the work of mechanisms dealing with human rights and indigenous peoples. In her report to the Human Rights Council (A/HRC/18/26 and Corr.1), the High Commissioner highlighted OHCHR engagement at the country level to monitor, promote and protect the human rights of indigenous peoples. She also listed various technical cooperation and capacity-building activities in OHCHR country operations.

3. In addition to supporting human rights treaty bodies and the Human Rights Council's universal periodic review mechanism, which often examines issues concerning indigenous peoples, OHCHR continues to support two mandates devoted to the rights of indigenous peoples. It assists the Special Rapporteur on the rights of indigenous peoples in implementing his mandate, which includes dealing with communications and carrying out country visits; and the Expert Mechanism on the Rights of Indigenous Peoples. Since the previous reporting period, the Special Rapporteur has issued press releases and statements on Bolivia (Plurinational State of), Canada, Costa Rica, Norway and Peru. He also undertook a country mission to Argentina from 27 November to 7 December 2011, during which he urged the Government to accord higher priority to indigenous issues.

4. In addition, OHCHR supported cooperation and interaction between the three United Nations mandates devoted to indigenous peoples through a coordination meeting in the margins of the fourth session of the Expert Mechanism. It continues

to advocate and advance the rights of indigenous peoples through its thematic work and by providing information on indigenous issues to United Nations treaty bodies and other United Nations special procedures mandates.

5. Further to the Permanent Forum's recommendation at its tenth session that OHCHR and the United Nations Development Programme (UNDP) should continue their work in support of national human rights institutions (E/2011/43-E/C.19/2011/14, para. 11), OHCHR has markedly stepped up its engagement with national institutions on indigenous issues, since such institutions play an instrumental role in advancing the implementation at the country level of the United Nations Declaration on the Rights of Indigenous Peoples.

6. Further to the Permanent Forum's recommendation at its tenth session that, among other things, attention should focus on increasing the understanding of indigenous peoples' underlying material rights to land and the need to give material rights priority over process rights (E/2011/43-E/C.19/2011/14, para. 20), the Indigenous Peoples and Minorities Section of OHCHR has prepared a compilation of international standards on land and indigenous peoples. OHCHR has continued to advocate land rights of indigenous peoples in various forums. The issue of consultation and free, prior and informed consent with regard to extractive industries and development projects was specifically addressed in the High Commissioner's statement to the media on 9 August 2011, the International Day of the World's Indigenous People.

7. Further to the Permanent Forum's recommendation at its tenth session in which it reiterated its long-standing position of encouraging the United Nations, its organs and specialized agencies, as well as all States, to adopt a human rights-based approach (E/2011/43-E/C.19/2011/14, para. 25), a representative of the Indigenous Peoples and Minorities Section participated as a resource person along with the International Labour Organization (ILO) in a training session in the Congo organized by the United Nations country team/UNICEF and the secretariat of the Permanent Forum.

8. At its tenth session, the Permanent Forum noted the number of interventions by indigenous peoples alarmed at the denial of their right to free, prior and informed consent in relation to extractive industries and other forms of large- and small-scale development (E/2011/43-E/C.19/2011/14, para. 38). OHCHR is supporting the Expert Mechanism as it continues to build on its 2011 study on indigenous peoples and the right to participate in decision-making, focusing on extractive industries.

9. In line with its recommendation at its ninth session, by which the Permanent Forum encouraged OHCHR, ILO and UNDP to strengthen their collaborative framework and partnership for the promotion and implementation of indigenous peoples' rights through joint country programmes aimed at building capacity and establishing mechanisms for consultation, participation and consent (E/2010/43-E/C.19/2010/15, para. 39), OHCHR entered into a memorandum of understanding with ILO and UNDP to establish the United Nations Indigenous Peoples' Partnership. In 2011, UNICEF and UNFPA joined the initiative, which was formally launched on 20 May 2011 with support from the Secretary-General and the Deputy Secretary-General. The key aim of this initiative is to facilitate the implementation of international standards on indigenous peoples, in particular the United Nations Declaration on the Rights of Indigenous Peoples and the 1989 ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169).

10. At its tenth session, the Permanent Forum called upon all member States and United Nations agencies to respond to the annual questionnaire from its secretariat to provide information on reliable practices that lead to the full and effective implementation of the United Nations Declaration on the Rights of Indigenous Peoples (E/2011/43-E/C.19/2011/14, para. 49). OHCHR so responded.

11. Furthermore, pursuant to Human Rights Council resolution 18/8 (A/66/53/Add.1), the Expert Mechanism is undertaking a survey of States Members of the United Nations and their strategies for implementing the United Nations Declaration on the Rights of Indigenous Peoples. The findings will be presented in draft form to the Expert Mechanism at its fifth session, to be held in July 2012, and in final form to the Human Rights Council at its twenty-first session, to be held in September 2012.

12. At its tenth session, the Permanent Forum welcomed a third United Nations seminar on indigenous peoples' understanding and interpretation of treaties, agreements and other constructive arrangements (E/2011/43-E/C.19/2011/14, para. 94). In this connection, a side event on advancing dialogue on treaties, agreements and other constructive arrangements between States and indigenous peoples within the United Nations system was organized in the margins of the fourth session of the Expert Mechanism by the International Indian Treaty Council in cooperation with OHCHR.

13. In response to the Permanent Forum's comments at its tenth session concerning the recommendations made by a wide range of indigenous peoples' caucuses and representatives with regard to the establishment of a global steering committee to conduct the preparatory process for the World Conference on Indigenous Peoples (E/2011/43-E/C.19/2011/14, para. 126), OHCHR draws attention to Human Rights Council resolution 18/8, in which the Council requested the Expert Mechanism to discuss the World Conference and, together with other relevant mechanisms on indigenous peoples' issues, to contribute to the exploration of the modalities for the meeting, including indigenous peoples' participation in the World Conference and its preparatory process. The Expert Mechanism is currently engaged in the preparatory processes associated with the Conference.

III. United Nations Children's Fund

14. UNICEF continues to be active at the country level, where it is supporting and promoting various programmes specifically designed to advance the rights of indigenous peoples, ranging from bilingual and intercultural education and culturally sensitive health services to birth registration and efforts to combat violence, abuse and exploitation. Its mission is guided by the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. The former applies to all children, and the principle of non-discrimination as articulated in its article 2 is at the core of UNICEF work. The approach taken by UNICEF in this regard is further inspired by ILO Convention No. 169, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (as adopted by the General Assembly in its resolution 47/135) and the United Nations Declaration on the Rights of Indigenous Peoples.

15. On the basis of the advice received during its comprehensive dialogue with the Forum in May 2011, UNICEF developed a programme strategy on indigenous and minority issues to guide country offices in programming with national partners. For example, UNICEF, together with UNFPA, UNESCO, UNDP and the World Health Organization (WHO), is studying social, cultural and legal institutions of indigenous peoples and their impact on the rights of children and women in the Congo. It is hoped that this will form the first in a series of studies aimed at a deeper understanding of the social, cultural and legal settings and contexts of indigenous peoples and their implications for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

16. Following the comprehensive dialogue between UNICEF and the Permanent Forum and the resulting recommendation that UNICEF prepare a report on the state of the world's children with a thematic focus on indigenous children, UNICEF has developed a frame of reference that will guide the development of a global analysis on the situation of indigenous and minority children. In this initiative, UNICEF will be partnering with the Permanent Forum, interested UNICEF national committees, the Independent Expert on minority issues and Minority Rights Group International.

17. UNICEF is currently exploring the possibility of developing a fellowship for young indigenous people, the implementation of which will be subject to the availability of financial resources. It is also arranging for its Division of Human Resources to brief interested members of the Indigenous Youth Caucus regarding employment options at UNICEF and the United Nations, during the eleventh session of the Permanent Forum.

18. UNICEF continues to support intercultural bilingual education policies and programmes throughout Latin America and the Caribbean in conjunction with indigenous organizations at the local and national levels. UNICEF-supported interventions are based on the needs and priorities identified in consultation with local indigenous organizations and local governments, and refer to a wide range of activities, such as textbook development in indigenous languages (e.g. in Bolivia (Plurinational State of), Ecuador, Paraguay and Peru); teacher training (e.g. in Argentina, Belize, Bolivia (Plurinational State of), Chile, Ecuador, Mexico and Venezuela (Bolivarian Republic of)); and development of indigenous alphabets and dictionaries (e.g. in Bolivia (Plurinational State of) and Paraguay). An assessment of studies related to indigenous child-rearing practices is being finalized and will soon be available.

19. The comprehensive dialogue between UNICEF and the Permanent Forum showed that there was a need for a strategic approach to address the disturbing gaps between the richest and poorest children — in particular indigenous children — in both developed and developing countries. UNICEF is strengthening its collaboration with its affiliated national committees on issues affecting indigenous children.

20. UNICEF worked with the Department of Economic and Social Affairs and the Permanent Forum to ensure that the voices of indigenous youth were heard at the High-level Meeting on Youth, which was held in New York on 25 and 26 July 2011.

21. UNICEF has published and circulated terms of reference for the development of a report on the situation of indigenous children in Latin America and the Caribbean. It is hoped that UNICEF will be able to share the initial findings at the eleventh session of the Forum.

22. To tackle the problem of limited data and information relating to violence against indigenous women and girls, UNICEF is undertaking, in collaboration with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), ILO, UNFPA, WHO and the Special Representative of the Secretary-General on Violence against Children, a joint study on violence against indigenous girls, adolescents and youth. The study focuses on education, reproductive health, and community and domestic settings in the global and regional contexts of Asia, Africa and Latin America, and includes in-depth country case studies on Guatemala, Kenya and the Philippines. The study examines, among other things, the impact of intersecting situations such as location, disability and the various age groups that comprise the life cycle of female children, adolescents and young people. Its objectives are to examine and analyse the context, nature, causes and consequences of violence; to identify the state of, and gaps in, knowledge and to analyse the problem; to describe and analyse the availability and effectiveness of preventive and protective services provided by States and non-State actors; and to make recommendations in relation to further research and data collection, in addition to policy and programmatic interventions pertinent to the global, regional and national levels.

23. In May 2011, UNICEF joined ILO, OHCHR, UNDP and UNFPA to launch the United Nations Indigenous Peoples' Partnership, which focuses on developing national capacities to promote indigenous rights through consultation and participation mechanisms at the country and regional levels. Furthermore, UNICEF continues to contribute to the work of the Inter-Agency Support Group on Indigenous Peoples' Issues. It participates in the Group's annual meeting and, at the most recent meeting, in November 2011, provided insight into the interface between legal reforms and the rights of indigenous children.

IV. United Nations Educational, Scientific and Cultural Organization

24. At its tenth session, the Permanent Forum made several recommendations relating to the UNESCO World Heritage Committee and its advisory bodies (E/2011/43-E/C.19/2011/14, paras. 40-42).

25. At its thirty-fifth session, the Committee prepared a draft vision and strategic action plan to celebrate the fortieth anniversary of the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention). In paragraph 10 of its decision 35 COM 12D, it acknowledged the statements made by the representative of the Permanent Forum at its thirty-fourth and thirty-fifth sessions, held in Brasilia in 2010 and Paris in 2011, respectively, and noted that UNESCO was in the process of preparing a policy with regard to its programmes on indigenous peoples. It further noted that those considerations should be included in the theme of the fortieth anniversary, "World Heritage and Sustainable Development: the Role of Local Communities". It also recognized indigenous peoples in a total of 26 decisions concerning the state of conservation of properties and new inscriptions on the World Heritage List, and in the overall periodic report for the African region.

26. In response to the above-mentioned recommendations made in paragraph 41 of the report of the Forum on its tenth session and in addition to the statutory meetings

under the World Heritage Convention, meetings were held with the advisory bodies (the International Union for Conservation of Nature, the International Council on Monuments and Sites and the International Centre for the Study of the Preservation and Restoration of Cultural Property) and the UNESCO World Heritage Centre to improve processes related to the state of conservation and evaluation of new nominations with regard to indigenous issues.

27. In partnership with OHCHR and the secretariats of the Permanent Forum and the Convention on Biological Diversity, and with support from the Government of Denmark, UNESCO, through the Local and Indigenous Knowledge Systems (LINKS) programme, continued to implement a global forum for indigenous peoples, small islands and vulnerable communities, known as "Climate Frontlines".

28. UNESCO continues to work with the secretariat of the Convention on Biological Diversity and the United Nations Environment Programme World Conservation Monitoring Centre to develop an indicator on linguistic diversity and numbers of speakers of indigenous languages, although funding continues to pose problems.

29. From 30 May to 1 June 2011, UNESCO held an unprecedented joint expert meeting entitled "Towards UNESCO guidelines on language policies: a tool for language assessment and planning", at which more than 40 international experts working in areas such as linguistics, anthropology, education, media and the Internet worked on guidelines for Governments to assist in forging effective policies to support language revitalization, decrease loss of endangered languages and revise the language endangerment criteria used by UNESCO. The event also focused on how to improve current approaches in support of the world's some 6,000 languages, tackling all stages of the process from vitality assessment to strong presence in cyberspace.

30. The UNESCO office in Bangkok, as part of the Asia Multilingual Education Working Group, is seeking to break down barriers hampering access to high-quality education for ethnolinguistic communities by coordinating the provision of technical and substantive support to multilingual education initiatives and related policy advocacy throughout Asia.

31. UNESCO, through its communication and information sector, uploaded new comprehensive training materials supporting indigenous languages to the online Open Training Platform.

32. In 2011, UNESCO, through the LINKS programme, worked with a group of Mayangna bilingual and intercultural education professionals to develop primary school education materials that would support use in classrooms of the UNESCO publication *Mayangna Knowledge of the Interdependence of People and Nature: Fish and Turtles*.

33. In Solomon Islands, a wiki has been created in the local language based on the indigenous knowledge of the peoples of Marovo Lagoon. It was initially built using some 1,200 terms in Marovo and English contained in the 2005 UNESCO publication *Reef and Rainforest: An Environmental Encyclopedia of Marovo Lagoon, Solomon Islands*.

34. In relation to the recommendation of the Permanent Forum at its tenth session, in which it urged Member States, in collaboration with United Nations agencies and

regional intergovernmental organizations, to increase their efforts to combat forced labour and human trafficking and to put in place adequate instruments to protect victims, paying particular attention to indigenous peoples and the restoration of victims' rights (E/2011/43-E/C.19/2011/14, para. 106), the Bangkok office implemented a project on decreasing vulnerability among ethnic minorities in China and Thailand, in which culturally appropriate audio-visual materials in ethnic minority languages are produced to raise awareness of HIV/AIDS and human trafficking. The first two films were produced in Akha and Wa, languages spoken in Thailand and China, respectively.

35. A number of elements of intangible cultural heritage were inscribed on the lists of the Convention for the Safeguarding of the Intangible Cultural Heritage during the sixth session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, held in Bali, Indonesia, in November 2011. The nominations were made with the free, prior and informed consent of the communities concerned, a compulsory requirement for the inscription of such elements on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding and the Representative List of the Intangible Cultural Heritage of Humanity, and for the inclusion of programmes, projects or activities in the Register of Best Safeguarding Practices.

36. Within the framework of General Assembly resolution 65/166, on culture and development, the Bangkok office continues to promote a cultural approach to development activities. The Regional Bureau for Asia and the Pacific has been implementing activities relevant to indigenous issues in South-East Asia, most notably in Indonesia, the Philippines and Timor-Leste.

V. Secretariat of the Convention on Biological Diversity

37. The parties to the Convention on Biological Diversity remain committed to the participation of indigenous and local community representatives in the work of the Convention, as shown in a substantial report on indigenous and local community participation submitted to the Permanent Forum at its ninth session, in 2010 (E/C.19/2010/3), and in an extensive report submitted in December 2009 to OHCHR; as well as in the contribution by the secretariat to an OHCHR expert study on indigenous peoples and the right to participate in decision-making undertaken by the Expert Mechanism on the Rights of Indigenous Peoples. The Convention remains the sole multilateral environmental agreement to have an established voluntary fund to facilitate the participation of indigenous and local community representatives in meetings held under the Convention.[1]

38. At its tenth meeting, the Conference of the Parties also finalized the negotiation of, and adopted in its decision X/42, the Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities Relevant to the Conservation and Sustainable Use of Biological Diversity (the Tkarihwaié:ri code of ethical conduct)[2] and invited parties and Governments to make use of its elements as a model to guide the development of

[1] See decision VIII/5, section D, of the Conference of the Parties to the Convention on Biological Diversity, available from http://www.cbd.int/doc/decisions/cop-08/cop-08-dec-06-en.pdf.

[2] Available from http://www.cbd.int/doc/decisions/cop-10/cop-10-dec-42-en.pdf.

models of codes of ethical conduct for research, access to, use, exchange and management of information concerning traditional knowledge. The Code provides for prior informed consent and/or approval and involvement of indigenous and local communities.

39. The mandate established within the programme of work on the implementation of article 8 (j), and related provisions of the Convention (as set out in the annex to decision V/16 of the Conference of the Parties)[3] is to develop guidelines and principles. Although it is common practice for such guidelines to remain voluntary, they are, however, adopted by consensus of the parties to the Convention, carry an ethical and moral weight and can over time become established standards in customary international law. Parties report regularly to the secretariat, including on actions taken to implement decisions of the Conference of the Parties, which encompass voluntary standards and guidelines.

40. Pursuant to decision X/43 of the Conference of the Parties[4] and in coordination with work on indicators for the Strategic Plan for Biodiversity 2011-2020, the secretariat is currently focusing on making operational the three indicators adopted for traditional knowledge and is also exploring the development of indicators for article 10 (c), which covers customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements. Inter-agency coordination is provided by the United Nations Inter-Agency Support Group on Indigenous Peoples' Issues and the indicators focal point within the secretariat of the Permanent Forum. The Convention is the first entity to begin making indicators relevant to indigenous and local communities operational.

41. At its tenth session, the Permanent Forum stated that affirmation of the status of indigenous peoples as "peoples" was important in fully respecting and protecting their human rights (E/2011/43-E/C.19/2011/14, para. 26). Accordingly, consistent with its 2010 report (E/2010/43-E/C.19/2010/15), it called upon the parties to the Convention on Biological Diversity, and especially including the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention, to adopt the terminology "indigenous peoples and local communities" as an accurate reflection of the distinct identities developed by those entities since the adoption of the Convention almost 20 years previously. Although the parties considered the recommendation, which reaffirmed similar recommendations made by the Permanent Forum at its ninth session, they decided to maintain their existing practice.

42. At its tenth session, the Permanent Forum reiterated its long-standing position of encouraging the United Nations, its organs and specialized agencies, as well as all States, to adopt a human rights-based approach (E/2011/43-E/C.19/2011/14, para. 25). That approach is implemented by the secretariat of the Convention by ensuring the effective participation of indigenous and local communities in all meetings of interest to them. As indicated above, the Convention is the sole multilateral environmental agreement to have an established voluntary fund for the participation of indigenous and local communities in its meetings. Furthermore, mechanisms enabling such communities to participate in the work of the Ad Hoc

[3] Available from http://www.cbd.int/decision/cop/?id=7158.

[4] Available from http://www.cbd.int/doc/decisions/cop-10/cop-10-dec-43-en.pdf.

Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions are unprecedented in the United Nations system. It is, however, important to differentiate between the secretariat and the parties to the Convention. Because of the diversity of cultural, political, legal and economic circumstances in which indigenous and local communities may live, matters concerning the enjoyment and exercise of rights, while acknowledged by Governments, remain the subject of national negotiations, particularly where shared landscapes are involved.

43. In paragraph 27 of the report of its tenth session (E/2011/43-E/C.19/2011/14), the Permanent Forum reiterates previous recommendations considered by the parties when negotiating the Nagoya Protocol. While rights to genetic resources are recognized in the Protocol, the matter of access is deferred to the national level (in accordance with domestic legislation). This should not be surprising, given the diverse political and legal situations in which indigenous and local communities live and the non-exclusivity of rights over genetic resources that occur across boundaries and landscapes. The Protocol is fully consistent with the equitable-sharing provisions of the Convention and safeguards customary use and exchange of both genetic resources and associated traditional knowledge in article 12, paragraph 4. The Protocol also contains several paragraphs directly relevant to indigenous and local communities, including a final preambular paragraph affirming that nothing in the Protocol is to be construed as diminishing or extinguishing the existing rights of indigenous and local communities. With regard to the comment in paragraph 27 of the report of the Forum on its tenth session that "all rights based on customary use must be safeguarded and not only 'established' rights", it is clear from the outcome of the negotiations that the parties were unwilling or unable to tackle issues concerning future non-established claims to rights.

44. The secretariat of the Convention remains a committed partner of the Permanent Forum, as evinced by its 11-year partnership with and participation at every session of the Forum, including the in-depth dialogue held in 2010. The secretariat has offered opportunities for both the Forum members and participants to receive capacity-building assistance in relation to the Convention and its protocols and actively encourages broad participation in the work of the Convention. Nevertheless, obstacles remain, including the formulation of the Forum's recommendations, which fall beyond the scope of the Working Group on article 8 (j) and the Convention. This would indicate that the Forum members may benefit from information-sharing, capacity-building opportunities and participation in Convention meetings. The secretariat of the Forum or the programme officer for article 8 (j) who attends the annual sessions of the Forum may also assist members by providing practical advice, on request, in the drafting of future recommendations to international agencies to ensure that they fall within the mandates of the agencies in question and can thus be made operational. The secretariat of the Convention would encourage members actively to seek the views of all indigenous peoples who follow the work of the Convention in formulating future recommendations to ensure that those recommendations enjoy the broad support of indigenous peoples from all regions.

VI. United Nations Population Fund

45. UNFPA has been an important actor in promoting the rights of indigenous peoples, particularly indigenous women's rights to sexual and reproductive health

and to enjoy protection against all forms of violence and discrimination, particularly gender-based violence, in accordance with articles 21-24 of the United Nations Declaration on the Rights of Indigenous Peoples.

46. Its main aim has been the reduction of maternal and infant mortality among indigenous women and newborns, and the prevention of HIV and of teenage pregnancies. To attain these outcomes, UNFPA contributed to legal reform processes and to the formulation of policy frameworks, programmes and protocols that recognize the importance of increasing access to culturally acceptable sexual and reproductive health services, goods and facilities.

47. UNFPA is also contributing to the development of culturally acceptable health models at the subnational level with a view to ensuring recognition of indigenous peoples' right to maintain traditional, safe, medicinal practices and the enjoyment of the highest attainable standard of health.

48. In 2011, UNFPA advocated the inclusion of issues germane to indigenous peoples in its country programmes and related programmatic processes. It also joined the United Nations Indigenous Peoples Partnership as one of its board members, together with ILO, OHCHR, UNDP and UNICEF.

49. Together with UNICEF, ILO and UN-Women, UNFPA is collaborating on a study on violence against indigenous girls, adolescents and young people aimed at identifying vulnerabilities, informing programming at all levels and tracking progress towards preventing violence. A final report will be presented to the Permanent Forum at its eleventh session.

50. UNFPA is also working in six African countries — the Congo, the Central African Republic, Namibia, Rwanda, Uganda and the United Republic of Tanzania — with a number of indigenous peoples. The main areas of work have been supporting the formulation and implementation of legal frameworks for the protection of indigenous peoples in the Congo and Rwanda; undertaking efforts to reduce maternal mortality in the Central African Republic and Uganda; promoting the empowerment of indigenous women in terms of gender equality and human rights in the Congo, Rwanda and the United Republic of Tanzania; and tackling HIV infections among indigenous peoples, particularly young people, in Namibia.

51. UNFPA is working with indigenous peoples in Asia and the Pacific, responding to the urgent need to reduce maternal and infant mortality among ethnic minorities by improving access to high-quality and culturally acceptable reproductive health services.

52. Through its regional office in Panama and its country offices in Latin America and the Caribbean, UNFPA has forged cross-cutting partnerships with indigenous peoples, indigenous women's organizations and networks, Governments, non-governmental organizations, universities and other United Nations agencies to address the recommendations of the Permanent Forum and the human rights and urgent needs of indigenous peoples. Its main work over the past decade has taken place in seven countries: Bolivia (Plurinational State of), Ecuador, Guatemala, Honduras, Mexico, Panama and Peru. Important work has begun in a further eight countries: Argentina, Belize, Chile, Costa Rica, Guyana, Nicaragua, Paraguay and Suriname.

53. In Argentina, UNFPA supported the National Council of Indigenous Women in implementing an itinerant school on the rights of indigenous women aimed at promoting indigenous women's leadership skills. It also carried out important work with indigenous migrant women from the Plurinational State of Bolivia, dealing with the discrimination and social and cultural barriers that limit their access to social programmes and health services.

54. In 2011, UNFPA worked with indigenous peoples of the Caribbean in Belize, Guyana and Suriname. Some key preliminary lessons extracted from that work are that there is a need to increase the cultural acceptability of programmes to enhance effectiveness; that it is important to ensure buy-in by indigenous local leaders where social and health services are concerned; and that there is a need to monitor and evaluate the impact of these interventions and to address sustainability and scaling-up issues by promoting national political commitment, including in terms of human resources and budgetary allocations, for these programmes.

55. A key contribution by UNFPA to the agenda of indigenous peoples has been in the realms of the promotion and implementation of intercultural reproductive health norms, policies and services, the prevention of HIV and gender-based violence, the empowerment of indigenous leaders and communities in decision-making and policy processes affecting them, the strengthening of indigenous institutions and health systems, and the promotion of data gathering and use with the inclusion of an ethnic perspective.

56. UNFPA has assisted in improving policy, performing research, establishing norms and developing protocols, tools and methodologies in the above-mentioned regions, and there is evidence that coherent strategies and approaches are being simultaneously implemented in all regions, with the greatest development observed in Latin America and the Caribbean.

57. There is a need for UNFPA and its partners — including its United Nations partners — to take this work a step further by evaluating key interventions to assess their impact on development and health targets. In addition, UNFPA must continuously mainstream the rights of indigenous peoples at the policy and programmatic levels, so that these will be institutionally owned and consolidated.

58. Lastly, there is a need to ensure that good practices are documented and shared through knowledge management practices and other means, within countries and across regions, as this will enhance the fund's capacity to accelerate indigenous peoples' rights within culturally appropriate development contexts.

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Permanent Forum on Indigenous Issues
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Item 9 of the provisional agenda*
Future work of the Permanent Forum, including issues of the Economic and Social Council and emerging issues

Indigenous participatory mechanisms in the Arctic Council, the Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaat and the Laponia management system

Note by the secretariat

Summary

At its tenth session in May 2011, the Permanent Forum decided to appoint Dalee Samoo Dorough, a member of the Forum, to conduct a study, as examples of good practice, of the indigenous participatory mechanisms in the Arctic Council, the Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaat, and the Laponia management system, to be submitted to the eleventh session of the Permanent Forum.**

* E/C.19/2012/1.

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I. Introduction

1. The United Nations Declaration on the Rights of Indigenous Peoples[1] crystallizes many of the necessary standards needed to ensure the participation of indigenous peoples, including those within the Arctic region, in all matters that directly affect them.

2. The present study provides a preliminary review of "examples of good practice" of participation of Arctic indigenous peoples in the Arctic Council,[2] the Laponia management system and the principles outlined in the Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaat. These three examples are reviewed against the backdrop of the relevant articles of the Declaration. Where appropriate, practices will be identified as being consistent or inconsistent with the Declaration, and conclusions and recommendations forwarded to remedy shortcomings.

3. Emerging from the overall international trend of acknowledging and accommodating the status and human rights of Arctic indigenous peoples has been the willingness of States to engage indigenous peoples and to resolve outstanding claims to lands, territories and resources, especially in Canada and Denmark (Greenland), although there has not been a uniform recognition of these rights. For example, in the state of Alaska in the United States of America, the Scandinavian countries and the Russian Federation much remains to be done to secure respect for and recognition of the individual and collective human rights of the indigenous peoples.

4. Although Arctic indigenous peoples are not all at the same level of development and security in relation to their rights to lands, territories and resources, they have made serious inroads towards the reconceptualization of their relations with the States within which they reside. The synergy generated by human rights standard-setting and indigenous advocacy has centred on their status as the rightful owners of lands and resources in the Arctic.

5. Indeed, many Arctic indigenous peoples, through successful efforts to secure their collective human rights, have progressed to a stage where they have an unarguable role and absolute responsibility, in the context of their collective human rights, to take part as direct participants in any and all regimes, mechanisms and matters that affect their lives, lands, territories and resources. There are numerous examples of the collective manifestation of that capacity. To date, the best example is embodied in the provisions of the Labrador Inuit Lands Claims Agreement. That agreement illustrates the genuine nature of the indigenous right of self-determination in all of its interrelated, indivisible and interconnected dimensions.

6. The present study briefly reiterates the relevant articles of the Declaration that engender good practices and are necessary to ensure and enhance indigenous participatory rights and presents an abbreviated survey of conditions of Arctic indigenous peoples. In this regard, three examples and associated good practices are outlined. The conclusions and recommendations strive to respond to the objective of implementing the Declaration's standards and to underscore elements indispensable

[1] General Assembly resolution 61/295, annex.

[2] A high-level intergovernmental forum to promote cooperation, coordination and interaction among the Arctic States.

for the effective and meaningful participation of indigenous peoples throughout the Arctic.

7. In general terms, it is extremely difficult to identify "good practice" owing to the lack of consistency in the equality of the treatment of Arctic indigenous peoples' human rights and fundamental freedoms, including the lack of any comprehensive implementation of the Declaration on the Rights of Indigenous Peoples. If Arctic-rim States had effected more specific, far-reaching steps to implement the Declaration, as well as other relevant international and national human rights instruments, the present study would have much more material to include as "examples of good practice".

8. Recent steps expressly addressing the right of indigenous peoples to participation must also be noted, most significantly, the final report and progress report on the study of *Indigenous peoples and the right to participate in decision-making* prepared by the Expert Mechanism on the Rights of Indigenous Peoples,[3] as well as various reports and documents generated by the United Nations Special Rapporteur on the rights of indigenous peoples.

II. Relevant articles of the United Nations Declaration on the Rights of Indigenous Peoples

9. Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples on self-determination, and in article 4 the right of indigenous peoples to autonomy and self-government, are central to any discussion of participation by and for indigenous peoples, nations and communities. The right of self-determination, as articulated in article 3, provides that: "Indigenous peoples have the right to self-determination". This includes the right to "freely determine their political status" and to "freely pursue their economic, social and cultural development". Article 4 emphasizes that, in exercising the right of self-determination, indigenous peoples have the right to "self-government" of their "internal and local affairs" and the "means for financing" these functions.

10. These two articles succinctly describe the substance of indigenous human rights and the interrelated nature of those rights.[4] Arctic indigenous peoples have demonstrated their commitment through their effective participation in local, regional, national and international affairs, through genuine self-determination and through advances made towards autonomy and self-government in land claim agreements and other constructive arrangements.

11. Articles 25 to 32 of the Declaration embrace related land, territorial and resource rights. Some of these standards have been effected through constitutional or legislative provisions, land claim agreements or other forms of recognition of ownership, control and jurisdiction by Inuit, Sami and other Arctic indigenous

[3] A/HRC/EMRIP/2011/2 and A/HRC/EMRIP/2010/2.

[4] See also the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social, and Cultural Rights; General Assembly resolution 2625 (XXV), the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations; and the Final Act of the Conference on Security and Cooperation in Europe, 1 August 1975.

peoples.[5] It is worth stressing not only the land, territorial and resource provisions of the Declaration but also International Labour Organization Convention No. 169 and the ratification of this legally binding instrument by both Norway (in 1990) and Denmark (in 1996).

12. Articles 18 and 27 of the Declaration reflect direct participation as an element of self-determination that is further reinforced by the right to free, prior and informed consent. The content and manifestation of the right of indigenous peoples to such consent presumes direct participation and engagement in decision-making through their chosen representatives and procedures.

13. Article 40 of the Declaration, on the resolution of conflicts and disputes, bolsters article 18, and articles 7 and 8, concerning physical and mental integrity as well as peace and security, are also integral to participation in processes that may adversely affect indigenous lands, territories and resources. These provisions are interconnected with the issue of militarization addressed in article 30 of the Declaration. Article 29 concentrates on environmental protection while article 32 provides that: indigenous peoples have the right to determine the terms for development of their lands, territories and other resources; States must "consult and cooperate in good faith" with indigenous peoples to obtain their "free and informed consent" prior to approving projects affecting indigenous lands, territories or other resources; and States must provide "effective mechanisms for just and fair redress" for the adverse effects of development and take appropriate measures "to mitigate adverse environmental, economic, social, cultural or spiritual impact".

14. The preambular language addressing sustainable and equitable development and articles 17, 20 and 23 should not be overlooked in relation to Arctic indigenous peoples' participatory rights, specifically in relation to Arctic indigenous peoples, many of whom are not confined within one State borders. Article 36 is significant and requires the effective participation of indigenous peoples in order to ensure that their full range of human rights is adequately safeguarded.

15. Finally, the necessary contextual interpretation of the entire Declaration dictates the need for States to recognize the rights of indigenous peoples to participate in any and all decision-making; such a dictate is especially obvious in the language of articles 12, 27 and 31; which emphasize the duty of States to undertake actions and decisions "in conjunction with the peoples concerned".[6] Paragraph 3 of article 46 implicitly embodies the concept of the right of participation of indigenous peoples — a basic element of good governance.

> The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

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[5] See also Universal Declaration of Human Rights (1948), article 17; International Convention on the Elimination of All Forms of Racial Discrimination (1965), article 5; International Covenant on Civil and Political Rights, article 27; International Labour Organization (ILO) Convention No. 169 on indigenous and tribal peoples (1989), articles 7, 13 (1) and (2), 15, 16 (4) and other relevant articles; relevant instruments in the context of the Conference on Security and Cooperation in Europe; the Convention on Biological Diversity, article 8 (j); the Rio Declaration, principle 22; and the general comments and recommendations issued by various human rights treaty bodies.

[6] In addition to articles 11, 14 and 22.

III. Brief survey of conditions for Arctic indigenous peoples

A. Russian Far East

16. That neither local nor national authorities have provided any substantive response to the appalling conditions facing the approximately 1,700 Siberian Yup'ik in the Russian Far East begs for an overall strategy to secure their interests and rights to their traditional lands, territories and resources.[7] Although the regional government has made some progress, the national Government has paid little attention to substantive recognition of Siberian Yup'ik rights.

17. The Inuit of the Russian Far East as well as all other small areas of the northern part of the Russian Federation face rapid industrialization due to exploitation of non-renewable resources. The Inuit do not have any measure of control over or direct participation in such initiatives. In 2001, the Russian Federation adopted a law to establish permanent legal status for the territories traditionally used and inhabited by indigenous communities, "territories of traditional nature use", which is similar to the former concept of clan lands under the Union of Soviet Socialist Republics. Under the law, indigenous peoples would have a measure of control over such territories, and such lands and environment would be protected from adverse impacts of resource exploitation. Few, if any, of these minimal laws have been implemented to date.

18. The United Nations Special Rapporteur on the rights of indigenous peoples, S. James Anaya, has recommended that, in the Russian Far East, "Special attention should be paid to ensuring the successful implementation of legal guarantees at the local level for all Indigenous communities, such as by establishing reliable ways to monitor implementation and to remedy breaches of the guarantees."[8] He also noted: the need for "certainty to the various laws that concern the right of indigenous peoples and particularly their access to land and resources"; the impact of extractive and other industrial activities; lack of opportunities for political participation, self-government, protection for traditional economies; and substandard conditions for health and education. Given this array of circumstances and lack of commitment on the part of the national Government for direct dialogue with the indigenous peoples, there is a very real possibility that a number of small groups of indigenous peoples of the Russian Far East may disappear.

B. United States of America (Alaska)

19. The Alaska Native Claims Settlement Act of 1971 provided for 45 million acres of land (roughly 12 per cent of the original indigenous territory) and $962.5 million in exchange for lands lost. The lands and assets were placed in the hands of profit-making corporations made up of 12 regional corporations and over 200 village corporations. The regional corporations retain surface and subsurface rights to lands conveyed to them as well as subsurface rights to the lands conveyed to the

[7] Discrimination against small groups of indigenous people in the northern part of the Russian Federation, Siberia and the Russian Far East, 13 June 2008 (CERD/C/RUS/19); non-governmental organization submission to the Human Rights Council, Universal Periodic Review fourth session, 2-13 February 2009; and E/C.12/RUS/5.

[8] A/HRC/15/37/Add.5.

villages. There was no recognition of self-government or self-determination. With regard to examples of good practices of indigenous participatory mechanisms, the corporations are intentionally focused upon economic development and the role they play in the free-market economy, and they have not been characterized by many as examples of good corporate governance or corporate democracy. It is crucial to recognize the right of Alaska Native peoples to self-determination and self-government in order to give full effect to their right to participation in decision-making, including their right to be beneficiaries of their "own institutions", such as the State-chartered corporations under the Alaska Native Claims Settlement Act.

20. The role of Alaska Native indigenous governments, especially in relation to self-determination and self-government in the affairs of their respective members, must be stressed. Many Alaska Native governments have been organized under the terms of the 1934 Indian Reorganization Act, amended in 1936 to apply to Alaska Natives. The most definitive listing of Alaska Native tribes was undertaken by then Assistant Secretary of Indian Affairs, Ada Deer (a woman from the Menominee Indian Tribe in the state of Wisconsin), in 1993. Through this listing, Assistant Secretary Deer attempted to clarify the status, rights and authority of Alaska Native tribes in the face of the Alaska Native Claims Settlement Act. As previously noted, the Act did not address the right of Alaska Native people to self-determination or, in particular, the opportunity to transfer lands under the Act to traditional institutions of indigenous government.

21. The exercise of local control through borough governments chartered by the state of Alaska has met with some success. The North Slope Borough and the Northwest Arctic Borough are two examples of public government with a majority indigenous population that allow for extensive indigenous participation in matters that affect their status, rights and lives. In addition, because of the primary importance of harvesting rights in rural Alaska Native economies, the numerous management and co-management regimes that have effectively functioned and furthered indigenous peoples' participatory mechanism and rights must be acknowledged. In particular, the Indigenous People's Council for Marine Mammals has become one of the key bodies incorporating management and co-management regimes dealing with beluga whales, polar bears, harbour seals, sea otters, Steller sea lions, walruses and other marine mammals. One of the premier examples is the work of the Alaska Eskimo Whaling Commission, organized to safeguard the right of the Alaskan Inuit to hunt bowhead whales within the context of the International Whaling Commission.

22. The Alaska Native Claims Settlement Act purportedly "extinguished" hunting and fishing rights as well as rights to all lands lost. The Act provided that those alive and born on or before 18 December 1971, and having at least one quarter native blood were eligible for enrolment as shareholders in the corporations.

23. In contrast, articles 20 and 33 of the Declaration recognize the right of indigenous peoples to "maintain and develop their political, economic and social systems or institutions" and to "determine their own identity or membership in accordance with their customs and traditions", both of which are important dimensions of the right of self-determination. Furthermore, despite the existence of the 1966 International Covenant on Economic, Social and Cultural Rights, which states that "[i]n no case may a people be deprived of its own means of subsistence",

the Act purportedly "extinguished" aboriginal hunting and fishing rights, essentially the people's "own means of subsistence".

C. Canada

1. James Bay and Northern Quebec Agreement

24. The James Bay and Northern Quebec Agreement of 1975 provided 8,151 sq km for the Inuit and $225 million Canadian dollars to Makivik Corporation on behalf of the Inuit (and to the Cree Regional Authority). In contrast to the Alaska Native Claims Settlement Act, the Inuit in Canada were able to affirm exclusive harvesting rights throughout the lands transferred as well as over an additional 15,000 sq km of land. Provisions for the parties to revisit the original agreement were included, and in 2005, the Partnership Accord was agreed. This provision, which is currently being implemented, recognizes this important modern-day treaty as a living agreement and not one frozen in time.

2. Inuvialuit Final Agreement

25. The Canadian and Inuvialuit governments signed the Inuvialuit Final Agreement in 1984. It provided for 90,600 sq km of land, including 12,980 sq km of subsurface mineral rights and $152 million Canadian dollars. In addition to hunting and fishing, the Inuvialuit have co-management roles in matters related to fisheries, wildlife and environmental impact through various joint boards and councils. Self-determination and self-government were not addressed, instead the Final Agreement generally replicated the model set in the Alaska Native Claims Settlement Act.

26. The major distinctions between the Alaska Native Claims Settlement Act, the James Bay and Northern Quebec Agreement and the Inuvialuit Final Agreement are that the latter included: actual and extensive negotiations through appropriate procedures involving individuals from their representative institutions (rather than merely an act of congress or parliament); a full and formal referendum allowing for free, prior and informed consent of the peoples concerned; and final negotiated instruments that are regarded as agreements rather than a "settlement". Potentially more significant, the agreements affirmatively recognize hunting, fishing and gathering rights, as well as management and co-management. Finally, all of the Canadian agreements are explicitly recognized under section 35 of the Canadian Constitution.[9]

3. Nunavut Land Claims Agreement

27. The Nunavut Land Claims Agreement is the largest aboriginal land claim settlement in Canadian history. When it was signed, legislation was also passed leading to the creation on 1 April 1999 of a new Canadian territory called Nunavut.

[9] Constitution Act, 1982, section 35: (1). The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed; (2) in this Act, "Aboriginal Peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada; (3) for greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired; and (4) notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

The new territory is a public government serving both Inuit and non-Inuit peoples in the form of a unicameral legislative assembly. Provisions for a form of self-government for the Nunavut Inuit were also included in the Nunavut Land Claims Agreement. Inuit have title to approximately 350,000 sq km of land, about 35,000 sq km of which include mineral rights. Inuit and the Government are represented equally in matters concerning wildlife management, resource management and environmental boards. Inuit rights to harvest wildlife on lands and waters throughout the Nunavut settlement area were secured. A scheduled distribution of compensation over a 14-year period totals approximately $1.161 billion Canadian dollars as well as revenue sharing from royalties generated by oil, gas and mineral development on Crown land.

28. Unfortunately the Government of Canada has failed to uphold or respect the terms of the Nunavut Land Claims Agreement. The formal submission of views by the Land Claims Agreement Coalition (Canada) in the context of the consideration of the Universal Periodic Review of Canada by the United Nations Human Rights Council puts the matter in stark contrast to what might be generally deemed cooperative relations between the Government of Canada and the Inuit.[10] Nunavut representatives initiated a lawsuit in December 2006 against the Government of Canada for failure to uphold the terms of this modern-day land claim agreement.[11]

4. Labrador Inuit Land Claims Agreement

29. The Labrador Inuit adopted the Labrador Inuit Land Claims Agreement by referendum in December 2004. According to the Nunatsiavut Government website:

> The Labrador Inuit Land Claims Agreement defines the rights of Labrador Inuit in and to our ancestral lands. It is basically a contract between the Inuit of Labrador (represented by the Labrador Inuit Association), the Government of Canada and the Government of Newfoundland and Labrador. The Labrador Inuit Land Claims Agreement was ratified by the Labrador Inuit; the legislative assembly of Newfoundland and Labrador; and the Parliament of Canada.

By virtue of their years of negotiation, the Labrador Inuit now own 15,800 sq km of land and have traditional use rights (including hunting, fishing, harvesting and social and ceremonial use) to 72,500 sq km of land and 48,690 sq km of sea. This agreement specifies indigenous self-government and, as is the case with other Canadian Inuit agreements, provides for a management and co-management role for Labrador Inuit. It also provides for $130 million Canadian dollars in compensation and an additional $120 million for development of self-government. It is highly significant that this agreement addresses offshore water rights and the adjacent ocean zone extending to the limit of the territorial sea of Canada, as well as specifying Inuit self-government, rather than merely public government or a

[10] Universal Periodic Review of Canada, submission of the Land Claims Agreements Coalition to the United Nations Human Rights Council, 8 September 2008.

[11] See the Nunavut Tunngavik Inc. website at www.tunngavik.com/category/nti-documents/litigation/ for all relevant litigation documents; and Canadian Bar Association website at www.cba.org/nunavut/main/sections_abor/news_2006-12-06.aspx for additional details.

corporate structure. It also sets out "the requirement for a Labrador Inuit Constitution and identifies fundamental matters that it must address".[12]

D. Denmark (Greenland)

30. The 1979 establishment of the Home Rule Government in Greenland was the first step towards local, Greenlandic administration of domestic affairs. The Act establishing home rule recognized rights to natural resources and incorporated the element of consent by both parties in the event of exploitation. Although foreign relations and national security were originally left to Denmark, the Home Rule Government was consistently consulted on matters of direct or indirect impact upon Greenland's interests, legislation of the Council of European Communities and ways for the Home Rule Government to advance its own interests within the European Community.

31. On 25 November 2008, 75.5 per cent of the Greenlandic electorate voted "yes" on a referendum to pursue independence and nationhood.[13] The 2008 referendum resulted from a comprehensive review and study by the Commission on Self-Government, established by the Parliament in 2002. In follow up, the Greenland Self-Government Act was adopted by the Danish Parliament, on 19 May 2009, and by Greenlandic parliament on 12 June 2009. The Act, which has dramatically advanced the status of the public government of Greenland, also makes specific reference to subsurface and offshore oil, gas and mineral rights as well as wide range of other key rights and responsibilities.[14] As a joint action, both Governments have a common responsibility for the Act. Though Greenland remains part of Danish territory, it is significant that the Act makes explicit reference to Greenlanders as a "people" as understood in international law.

32. The future efforts of the Greenlanders to redefine and reconceptualize their relations with others, in this case initially through self-government but potentially through full sovereignty and independence, can clearly be traced to the constant, peaceful and respectful dialogue and engagement of both parties: the peoples of Greenland and the Government of Denmark. Issues as far-ranging as the defence of Greenland and the strategic role of the Thule Air Base to cooperation with the North Atlantic Treaty Organization (NATO) and North Atlantic security to protection of the environment and the 2006 European Union Partnership Agreement, all signal an extraordinary shift towards real autonomy for the people of Greenland. At the same time, however, it must be recognized that this arrangement is not an Inuit-specific one but rather a public government for all people of Greenland, Danish and Inuit alike. Therefore, the Declaration remains relevant in terms of good practices for indigenous participatory rights in addition to Inuit economic, social and cultural rights.

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[12] See www.nunatsiavut.com/index.php/en/lilca for highlights and details of the Labrador Inuit Land Claims Agreement.

[13] Ministry of Foreign Affairs, Denmark news release on referendum: www.ambprag.um.dk/nr/exeres/90374b68-bcca-4139-b538-614533ebcdd1.htm.

[14] Act on Greenland Self-Government, Act No. 473 of 12 June 2009 (English translation) at http://uk.nanoq.gl/sitecore/content/Websites/uk,-d-,nanoq/Emner/Government/~/media/6CF403B6DD954B77BC2C33E9F02E3947.ashx.

E. The Sami of Finland, Norway, the Russian Federation and Sweden

33. As in the case with the Inuit, the Sami inhabit a territory that spans the boundaries of four different States, namely, Finland, Norway, the Russian Federation and Sweden. Each State has similar although inconsistent approaches to affirmatively addressing human rights for the Sami. Sami Parliaments have been established in three Scandinavian countries: in Norway (1984), Sweden (1992) and Finland (1995), but the Sami have had difficulty at the domestic level in gaining full recognition of and respect for their right of self-determination and their respective rights to lands, territories and resources. The Sami Parliamentary Council,[15] created in 2000, coordinates issues among the respective major Sami political institutions throughout Finland, Norway, the Russian Federation and Sweden. Yet, distinctions remain as to how each of the four relevant nation-States has (or has not) responded to Sami status, rights and interests.[16] These distinctions require separate analysis to reflect the conditions facing these distinct Arctic indigenous peoples. Reports specific to the Sami by the United Nations Special Rapporteur on the rights of indigenous peoples should also be consulted due to the limited scope of the present study.

1. Norway

34. The Sami of Norway have made some progress following Sami custom and use in the treatment of their rights to lands, territories and resources under the Finnmark Act of 2005 based on recommendations from the Sami Rights Committee established in 1984. The 2005 Finnmark Act mandates a commission to address Sami land and resource rights, including those to particular "watercourses". To date, little concrete action has been taken to affirm Sami rights to lands, territories and resources under the Finnmark Act and its associated Commission. The need to address Sami reindeer herding rights, as well as rights to marine resources and fisheries in particular, also remain outstanding.

35. Some headway has been made in realizing Sami political rights through the Sami Parliament or the "Sámediggi", which "is an elected, representative assembly for the Sámi in Norway, with representatives chosen by direct elections in 13 constituencies across the country".[17] Although useful to engage the State in matters of concern to the Sami, it is unclear whether this mechanism is reflective of Sami desires or customs, practices and institutions as it seems entirely State prescribed.

2. Sweden

36. The Sami of Sweden have had far less success in attaining any substantive or comprehensive resolution of their economic, social, cultural or political human rights. The modest Sami Parliament Act confines the realm of Sami rights to "achieving a living Sami culture" without highlighting the vital ways and means to do so.[18] In April 2011, the Swedish Supreme Court affirmed that three Sami reindeer herding villages had grazing rights to lands they traditionally used. Except

[15] See www.eng.samer.se/servlet/GetDoc?meta_id=1088.

[16] See A/HRC/15/37/Add.6; A/HRC/18/35/Add.2; and A/HRC/15/37/Add.1.

[17] See website of the Sámediggi at: www.samediggi.no/artikkel.aspx?Aid=884&Mid1=270.

[18] See www.eng.samer.se/servlet/GetDoc?meta_id=1103.

for the Laponia management system of the World Heritage Site discussed below, there has been no satisfactory resolution of greater Sami rights to lands, territories and resources.

37. The Government of Sweden struggles with the differences between Sami nomadic life ways and the State development perspective. Nevertheless, the recognition of Sami reindeer herding as an "occupation", while not adequate in terms of recognizing the interrelated, indivisible, and interconnected human rights of the Sami people, may afford them the opportunity to advance such rights in the face of what appears to be near complete Government control over everything Sami.

3. Finland

38. Although Finnish legislation appears quite progressive, the reality is far different. As is the case with Sweden, the reference to safeguarding language and culture is regarded as the basis for domestic legislation, with little or no recognition of land or other fundamental human rights. Finland does not, however, acknowledge any Sami reindeer herding rights. The most recent commentary on issues related to Sami land rights in Finland comes from the Committee of Ministers of the Council of Europe in relation to implementation of the Framework Convention for the Protection of National Minorities by Finland.[19] The Council specifically found that: there was a lack of coherent government position towards issues related to the Sami. The Council also noted shortfalls in protecting and promoting Sami language, culture and education and limited progress in resolving Sami land rights.

39. The full measure of Sami political rights of self-determination and self-government remain outstanding. The Council of Europe has urged the Government to take rapid measures to unblock the current stalemate and re-establish a constructive dialogue with the Sami Parliament.

4. Russian Federation

40. As is the case with the Inuit of the Russian Far East, the Sami of the Russian Federation are far from realizing their basic human rights, let alone their distinct human rights as indigenous peoples. The small number (approximately 2,132) of Sami on Kola peninsula have had a long struggle simply to clarify their status as a people not to mention difficulty in safeguarding their rights to reindeer husbandry. They have been empowered by and maintained liaison with the Sami Council and are observers at the Sami Parliamentary Council. Nevertheless, as with many other Arctic indigenous peoples, they face dramatic incursions onto their lands and territories at the hand of State-driven initiatives for mining, hydroelectric schemes and other forms of development.

5. Nordic Sami convention

41. An initiative to develop a Nordic Sami convention has been under discussion among the three Sami Parliaments in Finland, Norway and Sweden and representatives of all three States with the objective of finalizing a Sami regional-specific international instrument. The draft convention is designed "to confirm and strengthen such rights for the Sami people as to allow the Sami people to safeguard

[19] See Committee of Ministers of the Council of Europe documents CM(2011)168 and related document ACFC/OP/III(2010)007.

and develop their language, culture, livelihoods and way of life with the least possible interference by national borders". However, it remains to be seen whether this initiative will be effectively advanced. Most recently the United Nations Special Rapporteur urged the States concerned to re-engage in dialogue with the Sami to further this innovative objective.

42. The Sami Council, as an international non-governmental organizations with consultative status with the Economic and Social Council, has played and will continue to play an important role in advancing human rights for the Sami locally, nationally, regionally and internationally dating as far back as 1956. It is a Permanent Participant in the Arctic Council, which is discussed below.

IV. The three participatory mechanisms

A. Arctic Council

43. Inuit have espoused a circumpolar environmental protection plan dating back to the adoption of a resolution at the Inuit Circumpolar Conference in Barrow, Alaska, in 1977, as well as the later meeting of the Conference on "Principles and Elements for a Comprehensive Arctic Policy". The effort crystallized in 1991 when the "Arctic eight" adopted the Arctic Environmental Protection Strategy, followed in 1996 by the establishment of the Arctic Council, a multilateral declaration to further international cooperation concerning environmental protection and sustainable development in the Arctic.

44. The Arctic as the traditional homeland of both Inuit and Sami, affords them a seat at the table. This was done through the designation of "Permanent Participant" status within the Arctic Council.[20] The Sami and Inuit as well as four other indigenous organizations participate directly with the "Arctic eight" States in the deliberations and work of the Arctic Council. The Council's rules of procedure[21] ensure extensive consultation with the Permanent Participants and much of the work of the Council is undertaken on a consensus basis between State representatives and the Permanent Participants.

45. The Declaration and, more importantly, the substantial gains that indigenous peoples have made in securing the legitimate, collective right of self-determination and self-government combined with rights, responsibility and authority over vast territories, lend urgency to the need to strengthen their status and role within the Arctic Council by upgrading their role from consultative status to voting members. The fact that issues related to international peace and security, in particular the military activities of the Arctic-rim States, are not on the table emphasizes the need to address the full array of indigenous peoples' political, economic, social and cultural rights in an interrelated, indivisible fashion. Furthermore, the "Arctic five" (coastal States) have held extensive multilateral dialogues that have not included the

[20] The initial organizations designated as Permanent Participants included the Inuit Circumpolar Council, the Sami Council and the Russian Arctic Indigenous Peoples of the North. There are now three additional organizations involved, including the Arctic Athabascan Council, the *Gwich'in Council International* and the Aleut International Association.

[21] See www.arctic-council.org.

Arctic Council Permanent Participants, which may have serious implications for Arctic indigenous peoples.

B. Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaat

46. In 2010, the General Assembly of the Inuit Circumpolar Council in Nuuk, Greenland, held a discussion on extractive industries and, in particular, non-renewable resource development throughout the Inuit homelands. The delegates to that meeting decided as a matter of urgency, to plan and facilitate an Inuit leaders' summit on resource development with the aim of developing a common circumpolar Inuit position on environmental, economic, social and cultural assessment processes. The Council successfully organized the summit in February 2011 and released the Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaat on 11 May 2011.

47. That Declaration makes reference to the Arctic Sovereignty Declaration that Inuit leaders adopted in April 2009. The 2011 document asserts that those who face the greatest and longest-lasting impacts must have the greatest opportunities, and a primary place in decision-making concerning non-renewable resource development in Inuit Nunaat or the Inuit homeland. The 2011 Declaration also underscores the United Nations Declaration on the Rights of Indigenous Peoples and affirms that: "Partnerships must include the meaningful engagement and active participation of Inuit in local communities who are most directly affected by resource development in Inuit Nunaat", noting that there is no free-standing or unqualified "right" to proceed with non-renewable resource development in Inuit Nunaat.

C. The Laponian World Heritage Site

48. The Laponian area is a mixed World Heritage Site in northern Sweden with a formal regime established to ensure a direct role for the Sami peoples in the conservation and management of 9,400 sq km of national parks and nature reserves. The Sami of the region have both management and co-management roles (with local, regional and national Swedish authorities) of this United Nations Educational, Scientific and Cultural Organization site where both the natural features and the Sami reindeer herding culture are protected.[22] In the light of the strong Swedish bias towards emphasizing natural and geological concerns over Sami cultural rights, practices and customs, the final result did not come easily and required assertive action on the part of the Sami peoples to advance their rights and interests.

49. Through such a designation, Sami reindeer herding and its role in shaping the landscape and maintaining biological diversity has been underscored. Sami cultural and spiritual connections to the land remain strong and are reinforced by the distinct Sami role in the overall management of the World Heritage Site.

50. The new World Heritage Site management organization that was launched in 2011 included local Sami principles that effectively influence Laponia management

[22] The official 1996 Committee determination stated among other matters that: "The site has been occupied continuously by the Sami people since prehistoric times, is of the last and unquestionably largest and best preserved examples of an area of transhumance".

structure and ensure protection of Sami cultural values, associated historical sites and the reindeer herding industry.

51. Consensus decision-making has also become the common working method. The non-profit association, *Laponiatjuottjudus*, stresses the importance of respect, open communication and ongoing dialogue among all the actors as well as all other communications with the broader local community. Local participation is reinforced through public deliberation (*rádedibme*) held at least twice a year, enabling local residents, entrepreneurs, organizations and other parties to meet, discuss and influence the full range of issues concerning the management of Laponia. This progressive historical management reflects both World Heritage values and sustainable, as well as equitable, development.

52. As of 1 January 2012, the official decree of the Government of Sweden took effect, making *Laponiatjuottjudus* responsible and accountable for the management of the area. There is no longer a unilateral mandate for the county administration, and local reindeer-herding Sami no longer have to gain permission from the administration for matters such as building huts or other structures. In recognition of these unique and positive provisions, *Laponiatjuottjudus* was presented with a World Wildlife Federation award for its progressive work to guarantee the effective participation of the local peoples and the emphasis it has placed on communication and collaboration in conservation management.

V. Conclusions and recommendations

A. Conclusions

53. Provisions of the James Bay and Northern Quebec Agreement that allow Inuit to revisit the terms of the agreement and, in particular, those related to self-government and self-determination, provide recognition of this important modern-day treaty as a living agreement.

54. A range of Canadian agreements (James Bay, Labrador and Nunavut) all include: rights of indigenous peoples to expansive territories; exclusive harvesting rights; financial support for implementation; compensation for lands lost; surface and subsurface rights; management and co-management rights and responsibilities; and clear provisions for the right of self-determination and self-government.

55. The Labrador Inuit Land Claims Agreement makes provision for Labrador Inuit-specific rights to "ocean zones" extending out to the territorial sea, which is an important recognition of indigenous economic, social and cultural rights. There is also specific provision of funds for development of self-government of the Labrador Inuit.

56. The Greenland Self-Government Act provides for not only extensive autonomy in domestic affairs but also a substantial role in foreign affairs of the Greenland government, which ensures that there is no false dichotomy attached to a peoples' right of self-determination.

57. The range of examples of Sami parliamentary structures expressly provides for self-identification, recognition of the importance of the Sami language, and the importance of inter-generational rights by allowing for inclusion of Sami

descendents. There has been at least minimal recognition of the importance of Sami reindeer herding as a traditional activity with economic, social, cultural and spiritual elements. The innovative and creative initiative to pursue a Nordic Sami convention should be welcomed and looked upon as an example of proactive efforts by and for indigenous peoples.

58. The inclusion of Arctic indigenous peoples by the Arctic Council allows for extensive consultation, dialogue and partnership between Arctic-rim States and the "Permanent Participants" as well as consensus decision-making.

59. The Inuit Resource Development Declaration emphasizes a number of vital provisions, including but not limited to the importance of those who face the greatest and longest-lasting impacts having a primary place in decision-making; partnership; and recognition that there is no unqualified right to develop non-renewable resources.

60. The Laponia World Heritage Site underscores a range of highly constructive measures and outcomes, including: direct Sami management and co-management; recognition of the importance of Sami reindeer herding; recognition of biological diversity, as well as Sami cultural and spiritual connections to their lands, territories and resources.

61. Every initiative addressed throughout the study highlights the important work of non-governmental organizations, such as the Sami Council and the Inuit Circumpolar Council, to raise awareness at the international level about the crucial matters facing Arctic indigenous peoples.

62. A number of Arctic-rim States have made significant strides in responding to the status, human rights and demands of Arctic indigenous peoples. Additional efforts must be made and substantially more political will needs to be displayed to realize effectively and uniformly the good practices illustrated herein.

B. Recommendations

63. Arctic-rim States should heed the views, conclusions and recommendations expressed by the Progress and Final Report of the Expert Mechanism on the Rights of Indigenous Peoples on the study on indigenous peoples and the right to participate in decision-making.

64. The Government of the Russian Federation is urged to take concrete measures in response to the recommendations contained in the report of the Special Rapporteur on the situation of indigenous peoples in the Russian Federation (A/HRC/15/37/Add.5), in particular, those related to land and resource rights, extractive and other industrial activities, self-government, protection of indigenous economies, and health and education conditions. It should also respond urgently and positively to the issues contained in the parallel reports and United Nations documents registered through the universal periodic review process of the Human Rights Council.

65. The Government of the United States and the indigenous peoples concerned are urged to review the language of the Alaska Native Claims Settlement Act in order to ensure its consistency with that of the United Nations Declaration on the Rights of Indigenous Peoples, specifically in relation to: the right of indigenous

peoples to self-determination, particularly to maintain and develop their political, economic and social systems or institutions of self-government; to determine their own identity or membership in accordance with their customs and to be secure in the enjoyment of their own means of subsistence and development, or for just and fair redress for its impairment; to denounce the policy of "extinguishment" of Alaska Native aboriginal hunting and fishing rights; and to address the outstanding issue of transfer of lands to traditional institutions of the Alaska Native people.

66. The Government of Canada is urged to dispense with the litigation concerning the implementation of the provisions for the creation and functioning of Nunavut as it is inconsistent with the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, in particular the preambular language emphasizing the fact that Member States solemnly proclaimed the Declaration as "a standard of achievement to be pursued in a spirit of partnership and mutual respect".

67. The Government of Greenland should assess the relevant provisions of the Declaration, the Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaat and the Laponia management system for purposes of ensuring and upholding a human rights-based approach to renewable and non-renewable resource development, especially in the light of recent exploratory oil, gas and mineral activity. That government should also recognize the distinction between existing decision-making institutions and processes in contrast to indigenous-specific institutions and processes and mechanisms.

68. The Governments of Finland, Norway, the Russian Federation and Sweden are urged to take all necessary measures to address and affirm the rights of the Sami and Inuit to their traditionally owned, occupied or otherwise used or acquired lands, territories and resources consistent with articles 25, 26, 27 and 28 of the Declaration.

69. The Governments of Finland, Norway and Sweden are urged to take concrete measures in response to the recommendations contained in the report of the Special Rapporteur on the situation of the Sami peoples in the Sapmi region of Finland, Norway and Sweden (A/HRC/18/35/Add.2) and in particular, those related to Sami rights to self-determination and lands, waters and natural resources.

70. The same Governments are urged to move away from all measures that have the effect of prescribing the content of the right of self-determination in relation to the respective Sami Parliaments.

71. The Government of Finland is urged to yield to the call of the Council of Europe's Committee of Ministers for finding a solution to the dispute regarding the land rights and self-determination of the Sami peoples.

72. The "Arctic eight" (and the "Arctic five") member States of the Arctic Council are urged to review and upgrade the role of the Permanent Participants from one of a consultative status to one of full voting members, especially in the light of the increased capacity of indigenous peoples and their corresponding rights. The increasing threats to the Arctic environment require real partnership among all concerned, including the original, first inhabitants of this region. In this regard, article 41 of the United Nations Declaration on the Rights of Indigenous Peoples is of particular relevance due to its specific reference to intergovernmental organizations, such as the Arctic Council.

73. The "Arctic eight" States are also urged to consider inclusion of development, as well as military and security, issues in the work and deliberations of the Arctic Council in order to address the full array of indigenous peoples' political, economic, social and cultural rights in an interrelated, indivisible fashion.

74. All Arctic-rim States are urged to take a human rights-based approach for the realization of indigenous peoples' participation in all matters that directly or indirectly affect their status, rights and lives, as well as their lands, territories and resources. The Declaration provides the relevant minimum standards for doing so.

75. All Arctic-rim States should recognize the urgent need for and begin to establish mechanisms for the full, effective and meaningful participatory role of Inuit, Sami and small nations of the northern part of the Russian Federation, consistent with the recognition of the right of self-determination, especially considering that such indigenous peoples are direct stakeholders. Consistent with article 39 of the Declaration, such measures should include financial and technical resources.

76. All Arctic-rim States, consistent with elements of sustainable and equitable development and the right of indigenous peoples to determine their own priorities for development, should guarantee the direct and immediate role of indigenous peoples in defining and determining all forms of Arctic development, in particular with regard to extractive industries.

77. All Arctic-rim indigenous peoples should consider convening a meeting of indigenous peoples in order to discuss the objective of finalizing an indigenous international legal instrument concerning all matters related to Arctic economic, social and cultural development.

78. The United Nations Permanent Forum on Indigenous Issues or a relevant United Nations agency should consider convening an expert group meeting on Arctic development, involving representatives from all Arctic indigenous governments, indigenous non-governmental organizations, national and subnational governments, and that such a gathering be organized to discuss the future of the Arctic, indigenous human rights and Arctic regional-specific issues ranging from, inter alia, the environment to development and sustainable Arctic communities.

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Report of the Inter-Agency Support Group on Indigenous Peoples' Issues on its 2011 annual meeting

Summary

The 2011 meeting of the Inter-Agency Support Group on Indigenous Peoples' Issues was convened in New York from 21 to 23 November 2011. It was hosted by the United Nations Population Fund in accordance with the Support Group's terms of reference and the practice established in 2002 of rotating the Chair annually among its members. The theme of the meeting was "Population, development and indigenous peoples' issues".

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I. Introduction

1. The United Nations Population Fund (UNFPA) hosted the annual meeting of the Inter-Agency Support Group on Indigenous Peoples' Issues at its headquarters in New York from 21 to 23 November 2011. Twenty-five delegates from 15 United Nations agencies, including the secretariat of the Permanent Forum on Indigenous Issues, attended the meeting and 2 members of the Permanent Forum.

2. The main purpose of the meeting was threefold: to enhance coordination among Support Group members, including the Permanent Forum and its secretariat; to generate a space for reporting on specific recommendations of the Permanent Forum to United Nations agencies; and to share knowledge on the work on population-related matters being carried out by different United Nations agencies at the global, regional and national levels.

3. The Inter-Agency Support Group Meeting was opened by the Chair of the Permanent Forum, Myrna Cunningham Kain, who pointed out there had been universal consensus established around the United Nations Declaration on the Rights of Indigenous Peoples.[1] She also congratulated the Governments of Canada and the United States of America for lending their support.

4. The Chair mentioned the importance of the Support Group in strengthening the United Nations response to indigenous peoples' issues at the global, national and local levels and pointed out that there was a need to build on common efforts to advance the rights of indigenous peoples. She commended the work conducted jointly by the Support Group and the Permanent Forum secretariat in reaching out to United Nations country teams and raising awareness on the Declaration and the United Nations Development Group Guidelines on Indigenous Peoples' Issues. She highlighted the contributions of the International Fund for Agricultural Development (IFAD) to the training of United Nations country teams, Government officials and indigenous peoples, and the need for continued support from all United Nations agencies.

5. The Chair thanked the World Health Organization (WHO) for submitting the report on the 2010 annual meeting of the Support Group (E/C.19/2011/10), which focused on indigenous peoples' health, stressing the need for enhanced attention to indigenous peoples' health and its social determinants. Further, she recognized those United Nations agencies that have adopted policies or strategies for engaging with indigenous peoples and their consultative processes, stressing the added value of specific policy documents. She also recognized the value of the newly established United Nations Indigenous Peoples' Partnership (UNIPP) as an innovative mechanism for joint action, as well as the joint work being carried out in Latin America and the Caribbean by the Economic Commission for Latin America and the Caribbean (ECLAC), UNFPA, the United Nations Children's Fund (UNICEF), Fondo Indigena and the Ibero-American General Secretariat/Spanish Agency for International Cooperation in addressing the need for obtaining relevant data through population and housing censuses.

6. The Chair recognized the creation of the Indigenous Peoples' Forum at IFAD, where a global meeting is expected to be convened in February 2013 in conjunction with the Fund's Governing Council. She also acknowledged the forthcoming session

[1] General Assembly resolution 61/295, annex.

of the Permanent Forum and its interactive dialogue with the World Intellectual Property Organization (WIPO) as well as the adoption of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity,[2] and the Tkarihwaie:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities Relevant to the Conservation and Sustainable Use of Biological Diversity,[3] under the auspices of the Secretariat of the Convention on Biological Diversity.[4] The Chair also provided some valuable advice to the Support Group in her statement (summarized in sect. IV below).

II. Substantive sessions of the meeting

7. The main substantive sessions of the Support Group annual meeting dealt with the topic of population, development and indigenous peoples' issues, including sub-topics such as: population dynamics; urbanization and housing; data gathering and indicators; indigenous peoples and the environment; and sexual and reproductive health of indigenous peoples/women. Other substantive topics discussed during this segment included: legal reforms in the light of the United Nations Declaration on the Rights of Indigenous Peoples; indigenous peoples and the Millennium Development Goals; indigenous peoples and material poverty; and indigenous women and children.

8. The opening substantive session on population dynamics, housing and indigenous peoples reviewed the lack of statistical data on indigenous peoples worldwide which made it particularly difficult to identify population trends in order to do justice to the variety of situations of indigenous peoples throughout the world. Where data are available, they indicate that indigenous peoples' life expectancy is below that of non-indigenous populations; and that indigenous mortality reflects persistently higher death rates at all ages and higher birth rates than among average populations. Higher maternal mortality rates among indigenous women are a fairly consistent finding, and although data on reproductive health and voluntary family planning are far from complete, there is evidence of lower rates of voluntary contraceptive usage among indigenous women. Also, there is a serious lack of reliable data on sexually transmitted infections and HIV/AIDS. Nonetheless, it is believed that indigenous women are particularly vulnerable to HIV/AIDS and that economic, social and sexual exploitation contributes to this trend. It was also highlighted that there is a trend of growing migration of indigenous peoples to urban areas, which is related to factors such as improved social services, enhanced economic opportunities, loss of traditional lands, environmental degradation, and conflicts of different types.

9. From a regional perspective, in the case of Latin America, there is an indication that from a demographic point of view, indigenous peoples are a young population owing to high fertility and mortality rates. This situation poses special challenges to Governments in terms of approaching the differentiated needs of their citizens, principally in the realm of education and health. Higher fertility rates are

[2] UNEP/CBD/COP/10/27, annex, decision X/1, annex I.
[3] UNEP/CBD/COP/10/27, annex, decision X/42, annex.
[4] United Nations, *Treaty Series*, vol. 1760, No. 30619.

often linked to lack of access to sexual and reproductive health services and also to different reproductive ideals or intentions. Other important demographic traits of indigenous peoples in the Americas are their early age of reproduction and marriage, though diversity among indigenous peoples does exist. High mortality rates also reflect discrimination and inequalities in the access to nutrition and health, especially for newborns and children under 5 years of age. The continued rural profile of indigenous peoples is in great measure related to their collective territorial rights. Nevertheless, poverty, demographic pressures, land deterioration and invasions are promoting migration to urban centres or to other rural areas. This growing urbanization can have a profound impact on indigenous peoples' sociocultural values and norms.

10. The recommendations from various members of the Support Group in response to the presentations on population dynamics and trends encompassed, inter alia, the need to continue gathering pertinent and quality data through censuses and surveys, and through improved administrative registries in health, employment and education, while taking into consideration indigenous peoples' perspectives. It was also recommended that national and regional population data on indigenous peoples should be collected, especially in countries and regions where data are scarce and indigenous peoples may not be formally recognized by Governments; and that Governments should be strongly motivated to formally recognize indigenous peoples and protect their human rights.

11. The topic of urbanization, sustainable urban development and the right to adequate housing was addressed, particularly in the context of considering key trends and challenges of urbanization as they relate to indigenous peoples. It was recognized that urbanization of indigenous peoples is the result of two main influences: migration of indigenous peoples to towns and cities; and the engulfment of indigenous communities through the growth of cities, making their ancestral lands part of urban settings. The lack of recognition of the right to self-determination, large-scale dispossession, and degradation of indigenous peoples' lands, territories and resources, together with material poverty and destitution, have had a significant impact on indigenous peoples' access to housing.

12. Housing and development policies and programmes discriminate against indigenous peoples directly or have discriminatory effects. Barriers to adequate housing include: unemployment, material poverty, discrimination, and lack of adequate housing programmes for indigenous peoples and other socially excluded populations. Specific challenges faced by indigenous peoples in cities include: difficulty in achieving integration into an urban way of life; lack of security of tenure; and the constant threat of forced eviction from homes and/or lands. Homeownership and rentals are also prohibitively expensive; there is lack of nearby social services, such as schools, clinics and hospitals in the urban areas where indigenous peoples dwell; and there is a perception of indigenous peoples as an economic and political liability by many local government authorities.

13. In order to address the housing challenges, the United Nations Human Settlements Programme (UN-Habitat) published the first in a series of five policy guides in 2009, entitled: *Housing Indigenous Peoples in Cities: Urban Policy Guide to Housing for Indigenous Peoples in Cities*.[5] These policy guides aim to assist

[5] Nairobi, UN-Habitat, September 2009.

States and stakeholders in achieving the ultimate goal of providing affordable and adequate shelter for indigenous peoples. The participants at the Support Group meeting affirmed the need to promote and provide legal security of tenure for indigenous peoples so as to protect them from forced evictions, as well as access to available, affordable and habitable housing and services which are in accessible locations and adequate for protecting and promoting indigenous peoples' cultures.

14. The participants at the Support Group meeting recommended that the UN-Habitat Policy Guides to Housing for Indigenous Peoples in Cities (series title) be disseminated and discussed with local governments and indigenous peoples' organizations so as to guarantee their right to dignified living conditions in urban areas.

15. Various participants at the Support Group meeting addressed the sub-topic of data collection for evidence-based policies and programmes which included showcasing the work carried out within the framework of the 2010 round of population and housing censuses in the Latin American region by Fondo Indigena, ECLAC, UNFPA, UNICEF, the Pan American Health Organization (PAHO) and the Spanish Agency for International Cooperation. This work aims to ensure the visibility of indigenous peoples in national statistics. The need for countries to create commissions for institutionalizing indigenous peoples' issues in national statistical institutes and their data-collection processes was highlighted. Further, there must be permanent agreements between indigenous peoples and those commissions. The primary functions of the commissions would be to design and implement training workshops on census processes aimed at indigenous peoples' organizations and statisticians. This could also include discussions of indigenous peoples' world views and the main human rights instruments to facilitate the formation of working groups for further discussion and decision-making regarding the application of international standards on census concepts, operations, logistics and organizational issues. This would be required in order to identify: good practices to be used in other census operations; areas in which international recommendations have been implemented with clear-cut results; and obstacles to their application as well as the means to overcome those obstacles.

16. Regarding the construction of indicators, the Office of the United Nations High Commissioner for Human Rights, on behalf of the International Labour Organization (ILO) and the secretariat of the Permanent Forum, informed the meeting of the need to keep track of the advancement of the United Nations Declaration on the Rights of Indigenous Peoples through the construction of an integrated assessment framework, which would assist actors at local, national and international levels. These agencies are constructing a conceptual and methodological framework on indicators designed to capture implementation through structural, process and outcome indicators. There is a need to take this work forward during 2012, despite financial constraints. It was also mentioned that the Office of the High Commissioner is preparing a publication on indicators for indigenous peoples which will soon be launched. Further, the Secretariat of the Convention on Biological Diversity is operationalizing indicators that are relevant and adapted to land tenure, traditional languages and traditional occupations.

17. Various participants at the Support Group meeting indicated the need to carry out informed dialogues on data collection and indicators for indigenous peoples through which to work on achieving common goals that would lead to the

harmonization of concepts and criteria for the better achievement of intercultural objectives; to search for additional resources to complement the resources available in the national statistical institutes and to position data and information gathering in order to make it available for development agendas. Further, various participants at the Support Group meeting recommended that States demonstrate how they are applying national and regional strategies for incorporating and making indigenous peoples visible in their data-gathering processes and monitoring systems. This will enhance the definition and construction of indicators, including the recognition of indigenous peoples' collective rights. Progress should be demonstrated in institutionalizing the integration of indigenous peoples in national statistical processes.

18. Countries that have adopted the United Nations Declaration on the Rights of Indigenous Peoples must adjust their legal frameworks and policies. This was highlighted by the experience of the Congo, which was seen as demonstrating a good practice which could be emulated by other countries. That country's Law No. 5-2011 to promote and protect the rights of indigenous peoples was designed in response to requests from indigenous peoples to access their land and resources, obtain respect for their cultural heritage and enjoy equal citizenship and participation. The main triggers were: the United Nations country team's advocacy, the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, Government commitment to human rights issues and social mobilization. Law No. 5-2011 ensures equal rights in all aspects of life for indigenous peoples and calls for consultation with indigenous peoples on all legislative and administrative issues affecting them. It has also decreed the establishment of an intersectoral ministerial committee to monitor the implementation of the Law. The main challenges that lie ahead regarding the application of Law No. 5-2011 are: the absence of a specific enforcement mechanism, budgetary constraints, a weak judicial system and the need for a shift in thinking in the country.

19. The participants at the Support Group meeting recommended that the United Nations agencies continue to provide support for the implementation of Law No. 5-2011 in the Congo and closely monitor its application, identifying technical, programmatic and operational needs and disseminating the experience among other countries.

20. On the topic of indigenous peoples and the environment, the Secretariat of the Convention on Biological Diversity presented information on the Nagoya Protocol and recommended that the Permanent Forum seek the views of indigenous peoples from all regions regarding the Convention on Biological Diversity and the Nagoya Protocol processes, particularly when formulating recommendations. Related to this issue was the propensity of a minority of indigenous participants in the Convention on Biological Diversity processes to seek redress at the Permanent Forum when their views were not supported by the indigenous caucus (International Indigenous Forum on Biodiversity). Such practices should be actively discouraged by the Permanent Forum. Also highlighted was the need for recommendations to be within the mandate of the intended United Nations agency in order to ensure that they would be actionable.

21. On the topic of indigenous peoples and the environment, the role of indigenous peoples in obtaining solutions in the context of sustainable development, including their involvement in the Rio+20 process, was discussed. The Equator Initiative and

the Ecosystem Pavillion highlighted their role in sharing information, building capacities and raising the profile of local and indigenous peoples through the exchanging of their experiences. There is a need for scaling up and scaling out local best practices on biodiversity conservation, climate change and sustainable land management and to link local experiences and knowledge with national and international policymaking.

22. The United Nations Environment Programme (UNEP) has been involving indigenous peoples in the consultation processes for Rio+20, including the twelfth session of the Global Major Groups and Stakeholders Forum in February 2011 and the regional consultation meetings in October 2011. During these consultations and outreach activities, recurring themes surfaced in terms of expectations for Rio+20, including social equity and justice; a strengthening of principle 10 of the Declaration on Environment and Development;[6] human rights-based accountability; sustainable development goals; and innovative sources of finance.

23. Recommendations made by various participants at the Support Group meeting on the topic of indigenous peoples and the environment included the need to consider gender equality and the rights of marginalized groups, such as women, youth and indigenous peoples, in the Rio+20 process, and to honour the United Nations Declaration on the Rights of Indigenous Peoples in national policies and laws, as well as the need for stricter regulation of foreign investments related to natural resources and the protection of the rights of indigenous peoples. Further, there is an urgent need for conservation and sustainable use of natural resources as well as the implementation of principle 10 among marginalized groups in countries within the Asia and Pacific region because they are denied access to environmental information. There is also a need to continue identifying indigenous communities' sustainable development solutions and linking them with national and international policies.

24. A panel on the Millennium Development Goals and poverty reduction as they relate to indigenous peoples comprised the secretariat of the Permanent Forum, IFAD, the United Nations Development Programme (UNDP) and PAHO. Panel members pointed out that there is a need to frame the Millennium Development Goals from a human rights-based perspective when referring to the development of indigenous peoples, as the importance of lands and resources, culture and identity and self-determination for development are frequently ignored. It was stressed that indigenous peoples are invisible in the Goals and that reviews of the Goals in some countries indicate that indigenous peoples are not even mentioned or referred to in country reports. It is therefore essential to reverse the current situation and include indigenous peoples in the Goals process, as well as adopt a more comprehensive approach on the topic of development.

25. Recommendations made by various participants in the Support Group meeting included the need to revise the Millennium Development Goal indicators so that they reflected the realities of indigenous peoples. Non-income specific indicators related to poverty and indigenous peoples should be considered when addressing the Millennium Development Goals, such as the lack of indigenous peoples' voices in political and bureaucratic systems and processes; the non-recognition of the

[6] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex I.

collective rights of indigenous peoples; and the lack of access to basic infrastructure and social services. Poverty, especially for indigenous peoples, should be examined not only from an individual perspective but by using a human rights lens, recognizing both collective and individual human rights. The aim is to render the Millennium Development Goals more relevant to indigenous peoples so that the Goals process may contribute to indigenous peoples' well-being.

26. With regard to poverty and indigenous peoples, there is a need for change at the level of policy and programme design. IFAD highlighted the interlocking disadvantages that perpetuate rural poverty, stressing that indigenous peoples are disproportionately more affected. Thus, there is a need to strengthen indigenous peoples' assets and capabilities at the individual, organizational and collective levels. Also, there is a need for increased political representation of indigenous peoples and their involvement in decision-making processes. The importance of communications and advocacy for eradicating rural poverty was also recognized.

27. The IFAD self-driven development paradigm for working with indigenous peoples, based on collective rights, includes securing rights to indigenous lands and resources; respecting traditional knowledge; ensuring full participation in development initiatives; promoting diversity and distinctiveness; and respecting all aspects of indigenous peoples' cultures. IFAD presented its institutional mechanisms for promoting the effectiveness of this paradigm, including its Policy on Engagement with Indigenous Peoples; the Country Strategic Opportunities Programmes; projects financed through loans and grants; the Indigenous Peoples Assistance Facility; and the Forum for Indigenous Peoples Issues. For the sake of consistency, IFAD has also updated its operational guidelines and quality assurance mechanism in project design; and country technical notes to assist project design teams are being drafted with the support of indigenous peoples' organizations and the International Work Group for Indigenous Affairs.

28. UNDP presented its work on addressing the rights of indigenous peoples through its support to countries in their efforts to achieve the Millennium Development Goals, by demonstrating its utilization of the United Nations Development Group-endorsed Millennium Development Goals Acceleration Framework (MAF) tool for mainstreaming human rights and helping national partners identify bottlenecks in existing policies and programmes, within the realm of policy, financing, and service delivery and utilization.[7] Using the United Nations Common Understanding on a Human Rights-based Approach to Development Cooperation, the Framework addresses disparities and inequalities as one of the major causes of uneven progress in achieving the Millennium Development Goals across and within countries, by responding to the needs of the most vulnerable — the poorest of the poor, including women and ethnic minorities. The Framework also addresses issues of availability and accessibility of services, cultural pertinence and acceptability, and issues related to accountability, participation and non-discrimination.

29. PAHO introduced its 2012-2013 workplan for integrating cultural diversity in health as a means of addressing the health-related Millennium Development Goals. The workplan focuses on health equity and seeks to integrate and monitor an intercultural perspective in health; facilitate technical collaboration with ministries

[7] More information on the Millennium Development Goals Acceleration Framework is available from http://content.undp.org/go/newsroom/2010/september/undp-puts-forward-new-approach-to-speed-up-progress-on-anti-poverty-goals.en.

of health; improve health evidence; provide disaggregated data for advocacy and decision-making; and provide access to and exchange of knowledge. In the Americas, PAHO has contributed to building capacities for integrating an ethnic variable in health, as evidenced through its preparation with ECLAC of ethnic-related atlases in 12 countries and through pilots designed to incorporate the ethnic variable in health systems, as demonstrated by Chile in the case of the local health systems of indigenous peoples. Further, the PAHO virtual library on indigenous health for Andean countries is proving a valuable means for increasing access to knowledge on culturally pertinent health programmes for indigenous peoples.

30. **There were some important outcomes arising from the discussions on the subsection topic of the Millennium Development Goals and poverty reduction and indigenous peoples.** Various participants in the meeting stated that there is a need for United Nations agencies and the Support Group to continue advocating for a revised and holistic concept of development for indigenous peoples based on the recognition of their individual and collective rights as well as their concepts of development and well-being. There is also a need for pertinent indicators through which to assess the progress in achieving the Millennium Development Goals among indigenous peoples as well as for promoting policies, procedures and guidelines in United Nations agencies designed to address the specific development needs of indigenous peoples. Staff should be aware of these policies. It is important to adopt road maps for policy implementation and monitoring with the close cooperation of indigenous peoples and to ensure in-house advocacy and policy dialogue as well as communications and advocacy at country level.

31. With regard to the issue of indigenous peoples' right to health, reproductive health services for indigenous women and their contribution to reducing maternal mortality and morbidities and the unmet need for voluntary family planning were highlighted. PAHO, UNFPA and Family Care International shared valuable experiences and knowledge based on their work in Africa, Asia and Latin America, highlighting the importance of culturally acceptable health approaches to addressing indigenous women's health rights and vulnerabilities. It was recognized that, despite the fact that many States in the Latin American region formally recognize indigenous peoples' right to health and to cultural diversity, gaps persist in respect of the enjoyment of those rights, with adverse effects on the health and well-being of indigenous women and adolescent girls.

32. PAHO, UNFPA and Family Care International agreed on the important role that capacity development and the empowerment of indigenous women's organizations and networks play in advancing the reproductive health agenda, both within indigenous communities and with regard to the State. The role of intercultural dialogues and evidence-based advocacy in creating awareness, and of increased commitment by the State and indigenous leaders, was highlighted. The role of indigenous women's organizations in the monitoring of health programmes, as in Bolivia (Plurinational State of) and Ecuador, was also emphasized.

33. The example of the Congo demonstrates that access to information on indigenous women's reproductive health requires that the State promote a multidisciplinary approach embedded in legal and normative frameworks. As the experiences of the Central African Republic, the Philippines, Viet Nam and countries in Latin America demonstrate, community-based interventions are fundamental for mobilizing communities to save indigenous women's lives. The role

of indigenous authorities and leaders, including traditional doctors, and local health authorities are fundamental for consolidating effective health programmes and quality services which need to go beyond isolated innovative pilot experiences.

34. Various participants in the Support Group meeting made recommendations directed at States, indigenous peoples, health authorities and United Nations agencies. They included the need to closely monitor the violation of the health rights of indigenous peoples through human rights mechanisms or bodies; to expand the knowledge of professionals and communities on human rights; to engage indigenous peoples' participation and consent in the design and implementation of health programmes; to ensure the inclusion of indigenous perspectives in health policies; and to generate data and knowledge on indigenous peoples health issues as well as to build capacities of national and local health authorities in evidence-based decision-making and monitoring. It was agreed that operationalized policies and norms, culturally acceptable guides, tools and methodologies are essential. Also, United Nations agencies need to improve coordination.

35. UNFPA also made recommendations focusing on the service and community levels, including the need for increased male involvement in reproductive health programmes; the need to promote maternity waiting homes and community emergency funds to address transportation and cost barriers. Also, there is a need to promote community peer education programmes and build the capacities of health advocates at the community level, as well as to use local languages and symbols in health services.

36. The participants at the meeting also addressed the issue of gender equality as a key dimension for advancing the human rights and development of indigenous women and children. Within this framework, Fondo Indigena highlighted the importance of building leadership skills for indigenous women, training them as political activists and providing them with knowledge on women's rights so that they can effectively undertake their organizational and advocacy work. The course conferring a "Diplomado sobre mujeres indigenas" within Fondo Indigena offers a means of fostering the collecting and sharing of indigenous knowledge among indigenous women and revaluing the importance of cultural and spiritual conservation.

37. A situational assessment of indigenous children was made by UNICEF emphasizing the significantly higher birth rates of indigenous peoples and low birth registration in some countries; higher infant and child mortality rates; and low school enrolments and gender imbalances which lead to educational exclusion and higher illiteracy rates. The assessment also indicated the degree to which indigenous children are vulnerable to armed conflict; child labour and trafficking; high suicide rates; alcohol and substance abuse; violence, abuse and exploitation; and lack of access to justice.

38. UNICEF addresses issues involving vulnerable and excluded children but has yet to focus on indigenous children more specifically, as it is confronted with the limited scope of data on indigenous children derived from population censuses, Demographic and Health Surveys (DHS) and Multiple Indicator Cluster Surveys (MICS). Through the implementation of its medium-term strategic plan, UNICEF is addressing the need to increase participation of indigenous peoples in programme design, implementation and monitoring. Key topics currently being addressed include: climate change; migration; violence against indigenous women and children; suicide; birth registration; intercultural bilingual education; and incorporating indigenous

peoples' cultural perspectives in health policies and programming and reproductive health services. In order to enhance programming for indigenous children, a project on guidance in respect of principles and programmes will be launched in 2012 and advocacy will continue, utilizing the report entitled *State of the World's Indigenous Peoples* in 2013 and the session of the Permanent Forum in May 2012. A recommendation was put forth by various participants at the Support Group meeting which entailed the need to increase the scope of data from Multiple Indicator Cluster Surveys on indigenous children.

39. The participants also discussed the situation of adolescent girls, in particular their withdrawal from the social sphere when they reach puberty, resulting in their limited access to social services and opportunities. It was recognized that rural indigenous girls in Latin America drop out of school early, have limited mobility and autonomy, enter into early marriage, and experience an increase in the risk of social and gender violence, a heavy domestic/productive work burden, and higher adolescent fertility rates than urban adolescents. In this light, UNFPA presented a good-practice model developed by the Population Council and supported by UNFPA that is aimed at building the capacities of adolescent girls' social, health and economic assets through the creation of safe spaces in their communities, the strengthening of peer networks and the provision of alternative life paths. The Abriendo Oportunidades programme was recommended as a good practice for indigenous communities.

III. Reporting session of the 2011 annual meeting of the Inter-Agency Support Group on Indigenous Peoples' Issues

A. Reporting on country missions

40. The secretariat of the Permanent Forum provided information on the multi-agency mission to Bolivia (Plurinational State of) and Paraguay that was conducted during April-May 2009. The aim of the mission was to verify reports of forced labour and servitude among the Guarani peoples. The recommendations arising from the mission called upon the United Nations country teams and respective Governments to promote the human rights of indigenous peoples and to implement the recommendations of the Permanent Forum regarding the situation of the Guarani peoples. In July 2010, the Permanent Forum conducted a mission to Colombia to observe human rights violations of the Awá indigenous peoples who are in danger of extinction owing to armed conflicts. After these missions, reports which included recommendations to the respective Governments were presented by the Permanent Forum.

41. A representative of UNFPA and the Chair of the Inter-agency Theme Group on Indigenous Issues and Cultural Diversity of the Plurinational State of Bolivia provided information on the work of the United Nations country team in contributing to the protection of the lives of the Guarani peoples. In this regard, there was support for a situational analysis of the Guarani peoples, and a strategic plan for the Alto Parapeti was formulated with local government authorities and representatives of the Guarani peoples. Also, a programme was initiated for providing the Guarani with identity documents, so as to enable them access to cash transfer programmes and other social services. The programme reached 700 persons, mainly women.

B. Reporting on the work on human rights and indigenous peoples

42. The Office of the United Nations High Commissioner for Human Rights provided an update on its 2011-2012 workplan and informed participants on upcoming publications and reports, including: the annual report of the High Commissioner to the Human Rights Council on the rights of indigenous peoples (September 2012), a handbook on indigenous peoples for parliamentarians (produced together with the secretariat of the Permanent Forum and the Inter-Parliamentary Union), guidelines concerning indigenous peoples in voluntary isolation, the results of a survey on good practices related to the United Nations Declaration on the Rights of Indigenous Peoples, a guidebook for national human rights institutions on the use of the Declaration, and a study for submission to the Human Rights Council regarding participation of indigenous peoples in the United Nations.

43. According to the Office of the High Commissioner, there will be a seminar in 2012 on treaties and other constructive arrangements between indigenous peoples and States. The Office of the High Commissioner also reported on its participation, as Chair, in the United Nations Indigenous Peoples' Partnership programmes and the reformed Indigenous Fellowship Programme. The July 2012 session of the Expert Mechanism on the Rights of Indigenous Peoples will focus, inter alia, on a study on indigenous languages and cultures and work on the reports on indigenous peoples' rights to participate in decision-making. The work of the United Nations Voluntary Fund for Indigenous Populations is also under the expanded mandate of the Office of the High Commissioner. Joint activities with field presence will include: workshops, provision of technical assistance and comments on laws being drafted, and the development of thematic guidance notes. The Special Rapporteur on the rights of indigenous peoples, whose mandate is supported by the Office of the High Commissioner, will make a number of country visits, including to Argentina and the United States of America; and will be focusing on the thematic issue of extractive industries.

C. Report of the Food and Agriculture Organization of the United Nations (FAO) on its corporate policy on indigenous and tribal peoples

44. In response to the recommendations of the Permanent Forum at its 2011 session, the Food and Agriculture Organization of the United Nations (FAO) presented a report on the status of its corporate policy on indigenous and tribal peoples and the main activities of its Working Group on Indigenous Issues. The policy of FAO on indigenous and tribal peoples was approved in 2010 by the Director-General and his Cabinet and is being widely disseminated. The implementation of this policy is currently under way with the support of an interdepartmental working group. While FAO activities, projects and programmes have wide dissemination, there is no umbrella programme at FAO on indigenous peoples' issues. Instead, there are diverse activities undertaken in partnership with Governments and local actors that impact indigenous peoples' livelihoods.

45. In order to implement its policy, FAO will strengthen its voluntary and technical guidelines. In 2012-2013, it will carry out a capacity development demonstration programme for reducing deforestation and forest degradation and enhancing forest

carbon stocks through community forest management, focusing on indigenous communities. Within the framework of Millennium Development Goals-related projects, FAO will focus its work on addressing the issue of indigenous peoples and nutrition. In addition to describing these broader initiatives, FAO reported that technical support has been provided to a proposed project in Argentina for strengthening institutional and human capacities of indigenous peoples. FAO was accepted as a Forest Carbon Partnership Facility delivery partner in the Forest Carbon Partnership Facility Global Consultation with Indigenous Peoples, held in Panama in September 2011. In partnership with the Convention on Biological Diversity, FAO is carrying out a gap analysis and preparing a toolbox on traditional knowledge and customary use.

D. Reporting from the International Fund for Agricultural Development (IFAD) on the Indigenous Peoples Assistance Facility call for proposals

46. There has been a call for proposals by the Indigenous Peoples Assistance Facility which represents an opportunity for applicants to engage in microprojects benefiting the development and capacity-building of indigenous peoples. Those with winning proposals are awarded small grants ranging from $20,000 to $50,000 for a maximum duration of two years. Proposals are reviewed by the Board of the Assistance Facility, comprising primarily indigenous leaders. Funding is for microprojects that are focused in any of the following priority areas: culture, identity and traditional knowledge; technology; agro-biodiversity; natural resource management and community-based forestry; market access, off-farm activities and enterprise development; human rights; intellectual property rights; gender mainstreaming and women's empowerment; ethno-tourism; participatory mapping of ancestral lands and territory; and adaptation to climate change. The technical review criteria focus on the project's relevance and feasibility, institutional capacity and credibility, the balance of the grant portfolio, and the development of culture and identity. Indigenous peoples' organizations support the management of the Indigenous Peoples Assistance Facility at the regional level. A 2011 desk review of 53 projects revealed that 45,000 people had directly benefited; 1,200 communities had been served; 21,000 people had been trained; and 184 groups had been created for building and strengthening local institutions, with 8,400 individuals participating. The 2011 call for proposals saw an increase in proposals from Africa, and in proposals prepared in the English language. The Assistance Facility met in January 2012 to review proposals and make final decisions on awards.

E. Reporting from the Global Environment Facility (GEF) Small Grants Programme implemented by the United Nations Development Programme (UNDP) on behalf of the GEF partnership of agencies, and the United Nations Environment Programme (UNEP) World Conservation Monitoring Centre (WCMC)

47. The GEF Small Grants Programme implemented by UNDP provides small grants for up to $50,000 to non-governmental organizations, community-based organizations and indigenous peoples. Since 1992, 14,500 projects have been funded;

within the last eight years, their coverage has grown rapidly, from 65 to 123 countries. Most Small Grants Programme projects focus on biodiversity, followed by climate change and land degradation. At least 15 per cent of the Small Grants Programme portfolio directly supports indigenous peoples, and 17 per cent of projects are carried out through or with women. As outlined in the United Nations Development Group Guidelines on Indigenous Peoples' Issues (p. 31), the Small Grants Programme constitutes an effective programming and delivery mechanism operating through a voluntary national steering committee with a non-governmental majority that work, hand in hand, with an active and capable network of community-level grass-roots constituencies, and an efficient infrastructure for rolling out and funding community interventions.

48. In order to enhance knowledge-sharing and effective programming, a global registry of indigenous and community conserved areas (ICCA) has been created jointly by the GEF Small Grants Programme and the UNEP World Conservation Monitoring Centre, with a view to providing an overview of global maps and links, including basic information and case studies on indigenous and community conserved areas in pilot countries; national-scale data; and mapping for the purpose of documenting conservation. An indigenous and community conserved area is defined by the ICCA Consortium[8] as a community that has a close relationship with an area and wields power in decisions, either by law or practice, and where voluntary management achieves conservation. Currently, the global ICCA Registry has 36 indigenous and community conserved areas registered in its database, with 16 interactive case studies and 6 interactive country maps.[9] Other recent activities include an ICCA capacity-building workshop held during the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity in Japan in 2010; and contributions to national-level workshops on indigenous and community conserved areas in, inter alia, Australia, Kenya, Nepal and the Philippines.

F. Reporting on the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD)

49. UNDP provided an overview of the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD) which has contributed to reducing 17 per cent of current annual greenhouse gas emissions and to stabilizing temperature within 2° C. The Programme plans to provide incentives to developing countries for slowing down the rates of deforestation and degradation so as to reduce greenhouse gas emissions, and to promote financial transfers by industrialized countries to developing countries as compensation for the costs of preventing deforestation.

50. The Programme was established in 2008 by FAO, UNDP and UNEP in response to the Bali Action Plan,[10] adopted by the Conference of the Parties to the United Nations Framework Convention on Climate Change[11] at its thirteenth session. It has both national and global components, with the national component providing

[8] See www.iccaforum.org.

[9] See www.iccaregistry.org.

[10] FCCC/CP/2007/6/Add.1, decision 1/CP.13.

[11] United Nations, *Treaty Series*, vol. 1771, No. 30822.

capacity-building to 35 partner countries, and the global component providing guidance, promoting regional and international dialogues, and carrying out analyses. The primary issues in regard to UN-REDD that have been raised by indigenous peoples include: access to information, a need for consideration of retroactive benefits, a need for non-market-based REDD+ mechanisms, uncertainty centring around mechanisms for indigenous peoples' inclusion, fear of further marginalization, cultural disconnect in respect of placing values on natural resources, and scepticism regarding its market mechanisms.

51. UN-REDD seeks to engage with indigenous peoples through their representation on the UN-REDD policy board, along with civil society representation, and through the development of the free, prior and informed consent guidelines framework. The objective of this framework is to create a normative, policy and operational framework within which UN-REDD national programmes can seek to apply the principle of free, prior and informed consent, when appropriate and as determined by the national implementing partner in consultation with relevant rights-holders. Three regional consultations with indigenous peoples and civil society have taken place, in Viet Nam, Panama and the United Republic of Tanzania and their recommendations have been reflected in the draft guidelines on free, prior and informed consent.

52. The guidelines provide information on the elements of free, prior and informed consent, such as the normative framework underpinning the United Nations obligations to support the right to free, prior and informed consent; UN-REDD programme policy on applying the principle of free, prior and informed consent; the parties that seek and provide consent; managing grievances; and providing an accountability framework. During the first half of 2012, the guidelines will undergo a review process and the finalized guidelines will be presented to the Policy Board. This will be followed by national workshops designed to build indigenous peoples' capacities to apply the guidelines.

IV. Summary of recommendations formulated during the meeting

A. Advice provided by the Chair of the Permanent Forum on Indigenous Issues

53. The Chair of the Permanent Forum on Indigenous Issues advised United Nations agencies and other partners:

- To work more closely and become better advocates for supporting Governments and indigenous peoples at the country level in advancing indigenous peoples' rights
- To strengthen relations between Permanent Forum members and United Nations agencies during the eleventh session of the Forum by liaising with the Forum's focal points for each agency
- To identify a focal point in each agency (a unit or person), depending on the role that each agency can play. One of the roles of the Inter-Agency Support Group is to promote the compliance with recommendations, in accordance with article 42 of the United Nations Declaration on the Rights of Indigenous Peoples

- To better organize the participation of the United Nations agencies and that of the Permanent Forum members during the sessions of the Forum, using the opportunity offered by those sessions to provide training (including leadership training) during the sessions to participants, parliamentarians, women and youth
- To increase the effectiveness of inter-agency collaboration during the annual meetings of the Support Group, through group breakout sessions organized by main thematic areas
- To provide continuous support to the Africa and Asia regions, with a view to establishing regional inter-agency support groups in the next two years
- To strengthen knowledge management and sharing through the creation of a platform that will serve as a repository of information, analysis, tools and methodologies generated by the United Nations agencies and specialized indigenous and non-indigenous consultants, as well as provide more effective and timely technical assistance.

B. Recommendations

54. In reference to the matter of which are the indigenous peoples in Africa, some members suggested that the Inter-Agency Support Group should be guided by the work of the African Commission on Human and Peoples' Rights, and that the 2005 *Report of the African Commission Working Group of Experts on Indigenous Populations/Communities* on the human rights situation of indigenous peoples and communities in Africa[12] should be shared with the United Nations country teams in the countries concerned, in order to advocate for their work with indigenous peoples. The brochure/fact sheet developed by the secretariat of the Permanent Forum, entitled "Indigenous peoples, indigenous voices", is another valuable document, which United Nations agencies can use and refer to.

55. The report of the Inter-Agency Support Group should be transmitted by UNFPA, as Chair of the Support Group's 2011 meeting, through its Executive Director, to all heads of agencies.

56. The Inter-Agency Support Group should request the United Nations Development Group to enhance follow-up mechanisms and actions with respect to indigenous peoples' rights. In this regard, it was also proposed that the United Nations Development Group be requested to include an item on the United Nations Development Group Guidelines on Indigenous Peoples' Issues in the agenda of its upcoming Principals meeting, with the aim of strengthening United Nations operational work on indigenous peoples at the country level.

57. The Chair of the United Nations Development Group should also request the different teams of regional directors to enhance support and follow-up with United Nations country teams on indigenous peoples-related issues.

58. The undertaking of efforts to address the meeting of the United Nations System Chief Executives Board for Coordination and to brief its delegates on the

[12] Banjul, African Commission on Human and Peoples' Rights; Copenhagen, International Work Group for Indigenous Affairs, 2005.

work of the Permanent Forum, on the occasion of the Forum's tenth anniversary, was recommended by some members of the Inter-Agency Support Group.

59. There is a need to strengthen mechanisms for dialogue at the country level between indigenous peoples' organizations and the United Nations country teams. United Nations agencies at the regional and country levels can provide greater support in facilitating the dialogue between indigenous peoples' organizations and Governments so as to ensure their compliance with the recommendations emanating from the sessions of the Permanent Forum.

60. **IFAD should continue to support the secretariat of the Permanent Forum on capacity-building at country level with respect to the implementation of the United Nations Development Group Guidelines and on determining how United Nations agencies can best interact with indigenous peoples at country level.**

61. **United Nations agencies are encouraged to continue to develop indicators** relevant to indigenous peoples, such as those under the human rights indicator framework that is being developed, with the aim of measuring success of relevant programmes and policies.

C. Recommendations from various members of the Inter-Agency Support Group on the follow-up to the Permanent Forum recommendations to United Nations agencies

62. Consultation and implementation should always be conducted with the participation of indigenous peoples, when United Nations agencies are developing and implementing programmes that impact those peoples' lives.

63. There should be enhanced dialogue between Permanent Forum members and United Nations agencies in respect of developing recommendations for action by agencies, to ensure, inter alia, that recommendations fall within the mandate of the relevant agency and are actionable.

64. There is a need for increased follow-up to recommendations made by the Permanent Forum to United Nations inter-agency mechanisms, such as the Inter-Agency Support Group on Indigenous Peoples' Issues.

65. The United Nations country team of the Plurinational State of Bolivia should continue to promote the human rights of indigenous peoples, including the implementation of the plan of action for the Guarani peoples,[13] and report on follow-up actions.

66. The United Nations country team of Paraguay should report on its efforts to address the Permanent Forum's recommendations regarding the indigenous peoples in the Chaco region, including support for the formulation of a strategy for the sustainable development of this region and its peoples.

[13] The plan of action was developed specifically for the Guarani peoples who have been enslaved by ranchers in the country. The members of the Permanent Forum visited the Plurinational State of Bolivia in 2010 and worked in partnership with the United Nations country team in support of the Guarani peoples. For complete information on the Guarani peoples' situation in the Plurinational State of Bolivia, see summary and recommendations of the report of the mission of the Permanent Forum on Indigenous Issues to the Plurinational State of Bolivia (E/C.19/2010/6).

67. United Nations agencies, in particular UNFPA, UNICEF, the World Health Organization (WHO), the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the World Bank, should address the issue of maternal mortality of indigenous women in their work at global, regional and country levels and should report thereon through their annual reporting mechanism.

D. Recommendations made by various Support Group members on operational issues, to be implemented by the Support Group in 2012

68. A follow-up invitation for lapsed agencies and new agencies (UN-Women) to join the Support Group should be sent out by the Chair of the Support Group.

69. The creation of a more visible leadership role for the secretariat as a permanent Co-Chair of the Inter-Agency Support Group was suggested by one member.

70. It was suggested that a standard item be included in the agenda of the annual meetings of the Support Group entailing the request that United Nations agencies respond to Permanent Forum recommendations.

71. The practice of including a substantive standard agenda item focused on inter-agency collaboration for the coming year should be revived, starting with the agenda of the 2012 meeting of the Support Group.

72. The need to refocus the agenda of the annual meeting of the Support Group so as to render it more strategic and practical, with prior inputs from meeting participants, was emphasized.

73. The Support Group's annual meeting should be of three days' duration, should stress maximum attendance at the entire meeting and should be held in a collegial atmosphere.

74. It was suggested that the hosting agency of each annual Support Group meeting dedicate an estimated half-day for reporting on the work it was carrying out within a specific mandated area.

75. Meetings of the Inter-Agency Support Group during the eleventh session of the Permanent Forum should be strategically planned in consultation with Forum members, with a view to making the agenda more clearly defined and reducing the number of agenda items.

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Item 4 (a) of the provisional agenda*
Human rights: implementation of the United Nations Declaration on the Rights of Indigenous Peoples

Information from Member States

Note by the secretariat

Summary

The present report is a compilation of the responses from Member States to the questionnaire on actions taken or planned to address and implement the recommendations of the Permanent Forum on Indigenous Issues. The questionnaire and the complete responses from Member States are available on the website of the Permanent Forum (http://social.un.org/index/IndigenousPeoples/UNPFIISessions/Eleventh.aspx).

* E/C.19/2012/1.

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I. Introduction

1. As at 28 February 2012, the Permanent Forum on Indigenous Issues had received written responses from the following States to its questionnaire on actions taken or planned to address and implement the recommendations of the Permanent Forum: Bolivia (Plurinational State of), Chile, Ecuador, Denmark and Greenland,[1] Kuwait, Mexico and Paraguay. The complete written responses from States can be found on the website of the Permanent Forum (http://social.un.org/index/IndigenousPeoples/UNPFIISessions/Eleventh.aspx).

2. Many States outlined their commitment to promoting the rights of all citizens and cultures and the need to eliminate discrimination against marginalized groups in communities, including indigenous peoples. In many instances, national constitutions contain extensive safeguards to ensure that human rights apply uniformly to all citizens, as in the case of Kuwait. Other constitutions guarantee specific rights for indigenous peoples, such as those of Bolivia (Plurinational State of), Ecuador, Mexico and Paraguay.

3. There is evidence of greater participation by indigenous peoples in national decision-making processes. Bolivia (Plurinational State of), Chile, Ecuador and Mexico reported activities related to the consultation of indigenous peoples in decisions affecting them. Some States are in the process of developing legislation that will guarantee consultation with indigenous peoples in order to obtain their free, prior and informed consent, in accordance with the standards established in the United Nations Declaration of the Rights of Indigenous Peoples.[2]

4. The due dates for the achievement of the Millennium Development Goals and the goals of the Second International Decade of the World's Indigenous Peoples are fast approaching. This is the right moment for States, United Nations agencies and indigenous peoples' organizations to strengthen their activities and promote projects to ensure that those goals are met. Most States that answered the questionnaire referred to clear and concrete activities in that regard.

5. In November 2010 the General Assembly, in its resolution 65/198, decided to organize a high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held in 2014. Consultations regarding the organization of the Conference began in 2011. The Conference aims to be a forum for sharing perspectives and best practices on the realization of the rights of indigenous peoples, including pursuing the objectives of the Declaration. Of those States that responded to the questionnaire, Bolivia (Plurinational State of), Chile, Denmark and Greenland, Ecuador, and Mexico have actively participated in the promotion and organization of the Conference.

II. Response to recommendations from the tenth session of the Permanent Forum

6. At its tenth session, the Permanent Forum recommended that States and other entities systematically monitor, evaluate, assess and report on how free, prior and

[1] Greenland has an autonomous government within the Government of Denmark. Denmark submitted its report as "Denmark and Greenland".

[2] See resolution 61/295, annex, articles 10, 11, 19, 29, 30 and 32.

informed consent has or has not been recognized and applied with respect to the lands, territories and resources of the indigenous peoples concerned (E/2011/43, para. 38).

7. In 2011, the Plurinational State of Bolivia carried out six consultation processes with the following groups of indigenous peoples: Weenhayek, Mamore Federation, Kaaguasu, Macharety, Alto Parapeti, Charagua Norte, Takovo Mora and Parapitiguasu.

8. Since March 2010, the Government of Chile has organized 17 consultations with indigenous communities, including the following:

(a) Consultation on the modification of the inter-communal limit Freire and Padre las Casas;

(b) Consultation on the implementation of a bilingual curriculum design for the second year of basic school;

(c) Consultation on the reform of Law Decree 701;

(d) Consultation on projects related to patrimonial trails in Cabo de Hornos;

(e) Consultation on indigenous institutionalism: the Government working with the National Council of the National Corporation of Indigenous Development to define how to establish the "consultation on the consultation" on the new ruling on indigenous consultation and participation;

(f) Consultation on the census to be conducted in 2012;

(g) Consultation on the Cultural Centre Isla de Pascua.

9. In addition, Chile reported that, in 2011, for the first time in the history of the National Council of the National Corporation of Indigenous Development, a budget of 314 million Chilean pesos was allocated specifically for indigenous consultations. For 2012, Chile plans to increase its budget to 684 million pesos, a more than 200 per cent increase.

10. Mexico published its Law on indigenous consultation for the State and the municipalities of San Luis Potosi in July 2010 to implement the same recommendation. This Law outlines the objectives of the consultation procedures within the international standards set out in the Declaration. One of the Law's objectives is to obtain the prior and informed consent of indigenous peoples and their communities. On 31 December 2011, a constitutional reform on indigenous peoples issues complying with the principles enshrined in the Declaration on free, prior and informed consent was published.

11. A review of the draft general law on the consultation of indigenous peoples and communities, which complies with International Labour Organization (ILO) Convention No. 169 and the Declaration, is ongoing. The Government of Mexico, through the National Commission for the Development of Indigenous Peoples, has a system of indigenous consultation, which has developed more than 25 consultations on issues affecting indigenous peoples, including legislative reform, the recognition of rights, culture, the environment, health and education. Therefore, the right to participate in the decision-making process is duly respected.

12. At its tenth session, the Permanent Forum recommended the establishment of national initiatives, programmes and plans of work to implement the Declaration. States and indigenous peoples were asked to report regularly to their national

legislative bodies and to the Forum on the progress and shortcomings in implementing the Declaration (E/2011/43, para. 47). Greenland, in cooperation with the Inuit Circumpolar Council, published a translation of the Declaration into Greenlandic and Danish. The Parliament of Greenland regularly holds debates on the implementation of the Declaration in its sessions, either as a whole or with regard to specific provisions.

13. Also at its tenth session, the Permanent Forum recommended that States recognize indigenous peoples' rights to forests and review and amend laws that are not consistent with the Declaration or other international standards on indigenous peoples' land and natural resource rights, including over forests (E/2011/43, para. 18). With respect to the recognition of indigenous peoples' right to forests and to international norms related to lands, natural resources and full and effective participation in the decision-making process, the constitutional framework of Ecuador guarantees those rights through the recognition of the 21 collective rights enshrined in article 57 of the Constitution. Furthermore, it has recognized the right to natural resources and water as fundamental human rights.

14. In Paraguay, the Ministry of Culture has started a process of recognition and protection of indigenous peoples' territories and cultures through the implementation of a project entitled "Marking territory and expressing culture". One of the projects targets the Totobiegosode peoples, who live in voluntary isolation and have suffered the consequences of deforestation. The project safeguards the territory and integrity of the group, as well as their right to self-determination. The territory of the Totobiegosode peoples has been delimited in order to protect their patrimony, as well as the territory's culture and biodiversity. Paraguay also reported the development of a project to preserve the ancestral lands of the Enlhet peoples. As in the case of the Totobiegosode peoples, the territory of the Enlhet peoples has been delimited. In order to preserve their culture, the Enlhet peoples will produce a documentary.

III. Efforts of Governments regarding indigenous peoples and the achievement of the Millennium Development Goals

15. All United Nations Member States have agreed to achieve eight Millennium Development Goals by 2015. The United Nations Millennium Declaration, signed in September 2000, commits world leaders to combating poverty and hunger; achieving universal primary education; promoting gender equality; reducing child mortality; improving maternal health; combating HIV/AIDS and other diseases; ensuring environmental sustainability and developing global partnerships.

16. In the Plurinational State of Bolivia, the national development plan is in line with the Millennium Development Goals, and projects to eradicate poverty are being undertaken under way. The Ministry of Autonomy provides technical assistance in the preparation of indigenous autonomous statutes so that they comply with the Goals.

17. Chile reported that it had the most significant achievements of the countries in the region in reaching the Millennium Development Goals but noted that there was still much to be done to increase gender equality and decrease disparities between income levels, between the capital region and the other regions and between

indigenous and non-indigenous peoples. Chile is taking measures in cooperation with the United Nations to compare progress towards achieving the Goals for indigenous and non-indigenous peoples. Chile believes that achieving most of the Goals by 2015 will be possible but stresses the importance of paying attention to disaggregated data that is specific to indigenous peoples concerning the minimum indicators.

18. In Ecuador, a programme for the development and cultural diversity to reduce poverty and promote social inclusion has been developed in line with the Millennium Development Goals in the provinces of Sucumbios, Chimborazo and Esmeraldas, which are among the poorest in the country. The programme promotes the revalorization of culture, inclusion and intercultural dialogue. It focuses on closing the gap caused by discrimination and exclusion and on the exercise of indigenous peoples' rights. Discrimination and exclusion limit access, inter alia, to education, health and means of agricultural production that have an impact on indigenous peoples' living conditions.

19. In Denmark and Greenland, the protection of indigenous peoples' rights and the Millennium Development Goals form an integral part of the Danish development strategy.

20. In an effort to reduce inequality between indigenous and non-indigenous peoples and in order to comply with the Millennium Development Goals, Mexico has taken different measures, such as reforming its Constitution and incorporating indigenous peoples' issues into all actions taken by the Government. This is also reflected in the budget approved for indigenous peoples' issues.

21. In Paraguay, the Ministry of Women's Affairs, in coordination with the Paraguayan Indigenous Institute, carried out a project to strengthen the capacity of women handcrafters in the Ayoreo community, sharing production techniques and opportunities for the commercialization of their products. The Ministry of Children and Adolescents provides direct attention to indigenous peoples in urban areas. The first stage of this project took place in the community of Cerro Poty.

IV. Government responses on the special theme

A. The Doctrine of Discovery: its enduring impact on indigenous peoples and the right to redress for past conquests (articles 28 and 37 of the United Nations Declaration on the Rights of Indigenous Peoples

22. Article 1 of the Indigenous Law of Chile indicates that the protection of indigenous territories is a duty of society, in particular the State. Article 12 defines indigenous territories as: territories that indigenous peoples currently occupy and own in accordance with the relevant legislation; territories that are historically indigenous and entered in the Register of Indigenous Lands; and territories declared indigenous property by the courts or those received from the State. The collective property of indigenous territories can be claimed either by indigenous communities recognized as a legal person or by a group of two or more persons. Chilean legislation also recognizes individual property owned by an indigenous person.

23. The Doctrine of Discovery justified the way in which colonial powers laid claim to lands belonging to sovereign indigenous nations during the Age of Discovery. Under the doctrine, title to lands lay with the Government, whose subjects explored and occupied a territory whose inhabitants were not subjects of a European Christian monarch. The doctrine has been primarily used to support decisions invalidating or ignoring indigenous possession of land in favour of colonial or post-colonial Governments. According to the Government of Ecuador, the concept of "discovery" has been discarded in that country. The rights of indigenous peoples and nationalities are recognized in the Constitution, and programmes are promoted by the Government. Ecuador looks not only at compensation but also at the idea of "living well", meaning having all one's basic needs met while existing in harmony with the natural world, as opposed to "living better" by seeking to amass more and more material goods at the expense of others and the environment.

24. Mexico reported that article 2 (A), paragraphs V and VI, of its Constitution state that it recognizes and guarantees the right of indigenous peoples and communities to self-determination and, as a consequence, autonomy to conserve and improve the habitat and preserve the integrity of their lands in accordance with the Constitution; and to have access to the forms and modalities of property of land established in the Constitution and related laws on the matter, as well as the rights acquired by third parties or by other members of the community to the preferential use and enjoyment of natural resources of the places they live in, except for those that are strategic areas according to the Constitution.

25. In Paraguay, the Doctrine of Discovery was repealed in the current Constitution, which recognizes the existence of indigenous peoples, defined as cultural groups existing prior to the formation and organization of the Paraguayan State (article 62). The Ministry of Women's Affairs, in the framework of a meeting of Guarani women, raised the issue of the impact of "discovery" and paid tribute to Juliana, an indigenous woman who sought the recovery of her ancestral lands.

B. The right of indigenous peoples to food and food sovereignty

26. The Plurinational State of Bolivia created a programme to support food security. Through the programme, indigenous peoples and farmers administer and execute projects in the framework of food sovereignty and security, supporting the production, distribution and consumption of healthy food.

27. Ecuador reported that the right to food was guaranteed in its Constitution and social programmes that target the poorest and most vulnerable citizens, of which indigenous peoples represent the highest percentage. The Ministry of Economic and Social Inclusion promotes the programme of access to food for indigenous peoples. Furthermore, Ecuador adopted the Organic Law on Food Sovereignty, which recognizes indigenous knowledge, protects native seeds and guarantees the right to food.

28. In Mexico, a programme was established to provide adequate housing and food to indigenous students registered in primary school. Under the programme, food is provided to more than 60,000 children every school year.

29. Paraguayan Law 3.728/10 states that every citizen older than 65 years who is living in poverty in Paraguayan territory will receive a monthly pension of no less than one fourth of the minimum salary from the State. This pension is considered to be one of the services that can benefit elder people, including indigenous elders. In 2011, 2,954 indigenous persons registered to receive the pension, and of those, 1,036 received it. One of the main obstacles to obtaining access to this benefit is the lack of required identification documents. Paraguay is making efforts to respond to the lack of documentation among indigenous peoples.

C. High-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples

30. The Plurinational State of Bolivia promoted the adoption of the General Assembly resolution on the holding of the World Conference on Indigenous Peoples in 2014. Furthermore, it has been actively participating in the organization of the Conference.

31. The Government of Chile was one of the co-sponsors of the General Assembly resolution on the World Conference and intends to do everything in its means to make the Conference successful. The Government is committed to resolving the problems facing the country's indigenous peoples by ratifying ILO Convention No. 169 on indigenous and tribal peoples and supports the Declaration.

32. Denmark, in cooperation with the autonomous government of Greenland, co-sponsored the resolutions on the World Conference in both the Human Rights Council and the General Assembly. Denmark participated in and co-sponsored a consultation meeting on the World Conference on Indigenous Peoples in New York in November 2011. Greenland, together with the Sami Parliament of Norway and the International Working Group for Indigenous Affairs co-organized the Open-ended Indigenous Peoples' Brainstorming Meeting on the World Conference on Indigenous Peoples in Copenhagen on 13 and 14 January 2012.

33. Ecuador has been involved in the sessions of the Permanent Forum. In this regard, the institutions of Ecuador on indigenous issues are preparing to participate in the World Conference.

34. Kuwait reported that, motivated by its global responsibility as a State Member of the United Nations, it will attend the World Conference. It stands ready to cooperate with the world community to alleviate and redress the hardships of the less fortunate, if resources allow.

35. In the framework of the tenth session of the Permanent Forum, the Director-General of the National Commission for the Development of Indigenous Peoples in Mexico stated that Mexico had co-sponsored the General Assembly resolution on the World Conference. Furthermore, he said that Mexico had supported the idea of organizing a continental meeting in preparation for the World Conference, through the Trust Fund of the Permanent Forum.

V. Governments' responses concerning compliance with the goals of the Second International Decade of the World's Indigenous People

36. The Second International Decade of the World's Indigenous People was proclaimed by the General Assembly in 2004. The goal of the Second Decade, with the theme "Partnership for action and dignity", is the further strengthening of international cooperation for the solution of problems faced by indigenous peoples in areas such as culture, education, health, human rights, the environment and social and economic development, by means of action-oriented programmes and specific projects, increased technical assistance and relevant standard-setting activities.

37. In the Plurinational State of Bolivia, the technical support provided in the preparation of the indigenous autonomous statutes promotes compliance with the following objectives of the Second International Decade of the World's Indigenous People: to promote full and effective participation of indigenous peoples in decisions affecting them; redefine development from a vision of equity in a culturally appropriate way, "development with identity"; and adopt targeted policies, programmes, projects and budgets for indigenous peoples.

38. In Chile, Parliament is currently reviewing a draft law against discrimination. The law aims at establishing a legal mechanism to effectively restore the rule of law when an act of arbitrary discrimination is committed, in which arbitrary discrimination refers to discriminatory acts committed both by agents of the State and individuals and includes discrimination based on race and ethnicity. The Government also makes every effort to implement and institutionalize the standards on consultation and participation set out in ILO Convention No. 169.

39. Denmark and Greenland reported that the Declaration and the establishment of the Expert Mechanism on the Rights of Indigenous Peoples are very tangible results and provide important tools for achieving the objectives of the Second Decade and promoting the full and effective participation of indigenous peoples in decisions that directly or indirectly affect their lifestyles, traditional lands and territories, their cultural integrity as indigenous peoples with collective rights or any other aspect of their lives, considering the principle of free, prior and informed consent.

40. Ecuador is promoting regional development for indigenous communities and Afro-descendent communities in the high Andes, tropical areas and Amazonia in the north of the country. Ecuador received US$ 6.8 million from Spain, which was channelled through the International Fund for Agricultural Development. The development projects are carried out in the provinces of Esmeraldas, Imbabura, Carchi and Sucumbios.

41. Mexico reported that the federal Government focused on indigenous peoples through a number of offices working according to the transversal principle on different aspects of the rights of indigenous peoples. Since 2009, it has advanced the five objectives of the Second Decade, namely, indigenous rights, development with identity, recognition and value of cultural and linguistic identity, participation and consultation for an effective democracy and institutional work to achieve a diverse cultural and linguistic country.

42. In 2011, the National Secretary of Culture of Paraguay created the Directorate for Indigenous Issues, which will articulate the implementation of State policies

related to the culture of indigenous peoples. The Directorate has been working to strengthen and promote the cultural rights and expressions of indigenous peoples, in recognition of their ancestral territories and in the recovery of their collective memory, through the implementation of projects to support indigenous peoples' initiatives. It has also promoted the participation of indigenous leaders in national and international forums.

VI. Factors that facilitate implementation by Governments of the recommendations of the Permanent Forum

43. Chile considers persuasion of the Government on indigenous peoples' rights as an important factor when putting the recommendations of the Permanent Forum into practice. Chilean policy on indigenous peoples promotes participation, empowerment and entrepreneurship. It focuses on the following working areas: language; culture and education; lands; institutions; participation and consultation; and comprehensive development.

44. Denmark and Greenland reported that they are generally interested in and supportive of the work of the Permanent Forum. Even though the Government of Greenland is a form of public rather than indigenous self-government, all members of both the government and Parliament of Greenland are of Inuit descent.

45. Ecuador is in the process of institutional and legal change, through which the basis for a plurinational and intercultural society is established. In order to guarantee this change, such institutions as the Ministry of Patrimony, the Secretariat of Peoples, Social Movements and Social Participation, the Under-Secretary of Bilingual Education, the Institute for Regional Eco-Development in the Amazonia, the Intercultural Health Direction and the National Council for the Development of Nationalities and Peoples of Ecuador are executing State policies related to nationalities and indigenous peoples.

46. Mexico, in cooperation and collaboration with United Nations agencies, funds and programmes, as well as with other States, organizations and international agencies, supports compliance with the recommendations of the Permanent Forum. It also provides opportunities to exchange good practices and required resources for the development and protection of indigenous peoples' rights in the country.

47. In Paraguay, resources provided in 2011 for the commemoration of the anniversary of national independence facilitated the implementation of the recommendations of the Permanent Forum, including wide-ranging collaboration from indigenous peoples' organizations and communities on programmes and projects to strengthen their cultures.

VII. Specific laws and/or policies that address indigenous peoples' issues

48. In addition to its Constitution, Chile reported the existence of 97 decrees, 16 laws and 4 presidential instructions to address indigenous peoples' issues.

49. Denmark and Greenland have guidelines on the Danish policy on indigenous issues, including the strategy for Danish support to indigenous peoples, the strategy

for the Arctic 2011-2020, and a "How to" note on indigenous peoples. One of the first acts of the Government of Greenland after the introduction of self-government was to introduce legislation aimed at the retention of the indigenous language, Greenlandic (Kalaallisut).

50. In Ecuador, since the approval of the 2008 Constitution, laws and policies related to indigenous issues have been adopted. The "Living well" national plan is aimed at reducing poverty, fostering social inclusion and creating opportunities for all Ecuadorians without distinction based on social class, ethnicity or social group. Legislation promotes the plurinational plan for the elimination of racial discrimination and ethnic and cultural exclusion. Other legislation covers areas such as citizen's participation; food sovereignty; territorial organization, autonomy and decentralization; intercultural education; and the exercise and application of collective rights in indigenous communities.

51. Mexico reported that there are 39 pieces of legislation at the federal level that cover indigenous peoples' rights. Out of 32 State laws, 23 pertain to indigenous peoples' rights.

52. Chapter V, title II, of the National Constitution of Paraguay recognizes the rights of indigenous peoples as groups existing prior to the formation of the Paraguayan State and guarantees their own rights in accordance with their customary law. Law 904/1981 refers to the statute of indigenous communities. Amendments to the statute are found in Law 919/1996 and Law 2199/2003. These Laws recognize specific rights for indigenous peoples and lead to the creation of Paraguayan policy, including the Paraguayan Indigenous Institute.

53. Paraguay voted in favour of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples and is a State party to ILO Convention No. 169. The country has a body of national legislation covering issues of concern to indigenous peoples.

54. Since 2010, the Government of Paraguay has promulgated presidential decrees establishing activities related to indigenous peoples, including a national programme for indigenous peoples, integrated by various State organs and coordinated by the Paraguayan Indigenous Institute and an inter-institutional commission for compliance with the international judgements of the Inter-American Court of Human Rights and the recommendations of the Inter-American Commission on Human Rights.

55. In Paraguay, Law 57/90 ratifies the Convention on the Rights of the Child, which, in article 30, makes reference to indigenous children and minorities. In Paraguay, the Subcommission on Human Rights was created, inter alia, to prevent forced labour. The Subcommission met twice in 2011.

VIII. Focus, laws, programmes and institutions to address indigenous children's and youth issues

56. The Plurinational State of Bolivia has established a scholarship programme for young indigenous students. This programme provides 300 scholarships for indigenous young people in need of support for their studies. Since 2006, the Plurinational State of Bolivia has established 406 *telecentros*, which provide

education through the medium of television. Of those centres, 95 per cent have been installed in rural areas and indigenous peoples' territories. The country, in cooperation with the United Nations Children's Fund (UNICEF) has provided educational materials to 5,000 students in the municipalities of Muyupampa, Carapari, Lagunillas, Cuevo and Machareti.

57. In Chile, indigenous young people have access to scholarships that provide economic support to indigenous students at all academic levels. Funding towards such scholarships significantly increased between 2010 and 2011. Through its programme on intercultural bilingual education, the Ministry of Education continues to promote the preservation of languages and cultures. The Ministry of Social Development and UNICEF have jointly carried out a study to identify the demographic situation and living conditions of indigenous children and youth in Chile, specifically in the areas of income, education, health, housing, labour, access to technology and information, and participation. The study provided Chile with disaggregated data on indigenous children and youth.

58. Denmark and Greenland reported that the Inuit Circumpolar Youth Council has a seat on the Greenland delegation to the Inuit Circumpolar Council. The Inuit youth organization occasionally cooperates with government departments on joint youth projects.

59. In Ecuador, the Ministry of Social and Economic Inclusion is the main institution responsible for youth issues. The National Institute for the Children and Family works on issues related to the most vulnerable people in the country, mainly indigenous peoples.

60. Mexico has a project on scholarships for indigenous students. This project provides economic support and follows up the education of indigenous students at the university level to reduce the disadvantages generated by exclusion, discrimination and marginalization, in order to enforce the right of indigenous peoples to education. In 2011, 800 scholarships were provided, most of them going to indigenous women.

61. In Paraguay, the General Directorate of Indigenous Education promotes and develops indigenous peoples' education with an inter/multicultural focus to respect diversity and strengthen indigenous cultures in the education system. This includes their own curriculum and specific materials for each community. Furthermore, Paraguay reported the establishment of an inter-institutional mechanism that gives attention to homeless indigenous children, young people and families. This mechanism articulates the activities of the State institutions with indigenous peoples' organizations.

IX. Focus, laws and programmes to address indigenous women's issues

62. The Plurinational State of Bolivia reported the establishment of the programme Semilla ("seed"), a joint programme of the country, the Millennium Development Goals Achievement Fund, the Spanish Agency for International Development Cooperation and the United Nations system. The programme offers services in favour of the economic and social development of rural women. It aims to procure the means for a sustainable life for them and their families, through broader access

to productive resources, property of land and life planning. The programme has benefited 3,753 women in 18 municipalities.

63. In Chile, an interdisciplinary commission of the National Corporation of Indigenous Development coordinates policies aimed at indigenous women, incorporating the gender variable in all tenders and agreements while also seeking cooperation with other public services. The goal of the Corporation in this respect is to promote indigenous women's social participation and cultural empowerment, foster their participation in the economic sphere and pay special attention to the rights of indigenous women while promoting the rights of indigenous peoples. Chile draws attention to four recent inter-institutional agreements concerning indigenous women's issues and gender issues, demonstrating how Chile puts these goals into practice.

64. In Greenland, the Arnat Peqatigiit Kattuffiat, the oldest nationwide women's association in Greenland, was instrumental in establishing the Arnat Ilinniarfiat, a women's high school, as part of the 50-year-old Knud Rasmussen folk high school. The school focused on preservation of traditional knowledge and Inuit handcrafts. Arnat Ilinniarfiat is funded by the government of Greenland. Several women's groups have, over time, targeted specific issues related to the protection of vulnerable women and children and the promotion of the rights of women and children. Some of these initiatives are now partly or fully funded by the government.

65. In Ecuador, the Popular Economy and Solidarity Institute supports projects related to women. According to article 156 of the Constitution, the National Council for Equality is responsible for guaranteeing the rights enshrined in the Constitution and the international human rights instruments. The National Directorate of Bilingual Intercultural Education and the national intercultural health programme are both directed by indigenous women. State institutions, in compliance with the constitutional mandate, are incorporating the participation of professional indigenous persons in their work.

66. Mexico reported that since 2008, the National Commission for the Development of Indigenous Peoples has established specific projects to look for solutions to the problems faced by indigenous women related to their rights, especially in relation to the prevention of gender violence, sexual and reproductive health, and the empowerment, professionalization and political participation of indigenous women.

X. National institutions for indigenous peoples' issues

67. The Plurinational State of Bolivia reported that there was no specific institution on indigenous peoples' issues, as the Government works on the matter in a cross-cutting manner.

68. In Chile, the main institution that has responsibility for indigenous policy is the National Corporation of Indigenous Development, which is supervised by the Ministry of Social Development. Under the Office of the Secretary-General of the Presidency, the Unit for Indigenous Coordination ensures the development and execution of the programmatic and legislative agenda of the Government. Units for indigenous issues are being created in all ministries and municipalities, and a

Ministers' Council of Indigenous Issues has also been created with the aim of advising the President in designing and coordinating public policies towards indigenous peoples.

69. Ecuador reported the existence of many institutions working on indigenous peoples' issues, such as the Development Council of Peoples and Nationalities of Ecuador (http://www.codenpe.gov.ec, e-mail: pueblos@codenpe.gov.ec).

70. In Mexico, the specialized institution on indigenous peoples' issues is the National Commission for the Development of Indigenous Peoples (http://www.cdi.gob.mx).

71. In Paraguay, the specialized institutions working on indigenous peoples are the Paraguayan Indigenous Institute (e-mail: secretariageneral@indi.gov.py and presidency@indi.gov.py) and the Direction on Indigenous Issues of the General Direction for the Promotion of Communitarian Culture, under the National Ministry of Culture (e-mail: lea.gestioncultural@gmail.com).

XI. Capacity-building programmes on indigenous peoples' issues for civil servants

72. The Plurinational State of Bolivia has established a diploma in plurinational government management, and 296 professionals have attended this course. There is also a master's degree programme in plurinational state management.

73. In Chile, units of indigenous issues have been created in all ministries and municipalities. In five instances, capacity-building programmes have been held for officials working in those units. The most recent workshop, held in January 2012 in cooperation with the Food and Agriculture Organization of the United Nations, was aimed at adapting programmes and instruments to the needs of indigenous peoples.

74. Ecuador reported that the National Council for the Development of Nationalities and Peoples had developed workshops on interculturality for 30 officials at different levels in the Ministry of Foreign Affairs. In addition, the Minister Coordinator of the Patrimony had developed a module on indigenous women's rights, which would be implemented as part of its public policy on gender and interculturality.

75. In Mexico, the National Commission for the Development of Indigenous Peoples has a programme through which it organizes workshops for federal and State-level public servants to enable them to assist indigenous peoples. In 2011, 26 workshops were organized for officials of the National Forest Commission, the National Immigration Commission, the Agrarian Commission and the Agrarian Prosecutor, and 11 workshops were organized at the State level.

76. In 2011, in Paraguay, the Direction for Human Rights of the Supreme Court of Justice organized an international seminar on property rights of indigenous peoples having human rights as a framework for officials of the judiciary, the prosecutor's office, and public defenders, among others who take part in cases related to indigenous peoples. The training provided information regarding current legislation on indigenous issues in the framework of human rights and customary law, considering national and international jurisprudence. In addition, the Direction for Human Rights of the Supreme Court of Justice established strategic alliances with

indigenous peoples' organizations for the dissemination on the right to self-determination for indigenous peoples.

XII. Implementation of the United Nations Declaration on the Rights of Indigenous Peoples

77. The Plurinational State of Bolivia reported its compliance with articles 18, 38 and 41 of the Declaration through a referendum to establish autonomous communities. A total of 12 municipalities participated in the referendum. Of those, 11 voted for their conversion to autonomous communities. The Government has provided training on how to exercise autonomy, starting with the development of an autonomous statute.

78. Chile, together with the Millennium Development Goals Achievement Fund, established a programme on strengthening national capacities to prevent and manage intercultural conflicts. Chile expects the programme to strengthen capacities for dialogue and agreement between indigenous peoples and the Government and to foster the processes and mechanisms of consultation and participation. Finally, Chile is working on the implementation of ILO Convention No. 169 through a communication campaign that emphasizes the positive aspects of cultural diversity and on the prevention of conflicts and development in the Araucania region. The capacities of regional governments are also being reinforced through inter-institutional cooperation with indigenous peoples' communities.

79. The Premier of Greenland and Cabinet Ministers promote indigenous rights when participating in international meetings. There is close cooperation between the government and the Parliament of Greenland and the Inuit Circumpolar Council.

80. Ecuador reported that the Government had given 14 radio stations to indigenous peoples in order for them to promote their own issues, including their rights. Progress in the fight against discrimination and racism, with the implementation of specific policies on this matter, was also reported.

81. In July 2010, the Presidents of the indigenous issues commissions of the local congresses in Mexico held three national meetings. As a result, a national conference was organized to promote the harmonization of the juridical frameworks at the State level in order to incorporate the principles of the national and international frameworks related to indigenous peoples. The National Commission for the Development of Indigenous Peoples works on the promotion of national legislation at the federal and State levels based on the Constitution and international instruments, such as ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples.

82. Paraguay reported that its General Directorate for Indigenous Health provides primary health care for indigenous peoples through the installation of family health units in their communities or close to them. A doctor, a nurse and a community health promoter work in each of 160 units, providing attention to 490 indigenous communities.